





A442

By the death of Judge Berian of New York, James Madison is left the only surviving member of the first American Congress in 1781; as he is also the last survivor of the convention which formed the federal constitution.

1833

Paul Jones was the only American officer who was ever permitted to receive a title from a foreign Prince. A resolution passed Congress in 1781, allowing him to receive the cross of military merit and the title of Chevalier from the court of Versailles.

p. 32

Nicholas & John Brown

p. 111.



John Carter Brown.



## Arms of the United States.

Although the study of Heraldry may not be very amusing to our Republican Readers, yet as the eagle with extended wings, grasping the arms of war, and the olive of peace is constantly presented to our eyes, in some way or other, it may not be uninteresting to give a history and an explanation of the arms of our country.

In June, 1782, when Congress was about to form an armorial device for a seal for the Union, Charles Thomson, Esq. then secretary, with the Honorable Dr. Arthur Lee, and E. Boudinot, members of Congress, called on Mr. William Barton, and consulted him on the occasion. The great seal for which Mr. Barton furnished these gentlemen with devices was adopted by Congress on the 20th of June, 1782. The device is as follows :

*Arms*—Paleways of thirteen pieces, \*argent, gules, a chief azure ; the escutcheon on the breast of the American Eagle, displayed proper, holding in his dexter talon an olive branch, and in his sinister a ~~branch~~ bundle of thirteen arrows, all proper ; and in his beak a scroll, with the motto ‘ *E pluribus unum.*’

Crest

*The Breast*—Over the head of the Eagle, which appears above the escutcheon, a glory or breaking through a cloud proper, and surrounding stars, forming a constellation, *argent* on an *azure* field.

bundle

*Reverse*—A Pyramid unfinished.

In the zenith an eye in a triangle, surrounded with a glory. Over the eye these words, “*Annuit coeptis.*”

*Remarks and Explanations*—The escutcheon is composed of the Chief and Pale, the two most honourable ordinaries. The 13 pieces pale, represent the several states in the Union, all joined in one solid compact entire, supporting a chief which unites the whole, and represents Congress. The motto alludes to the Union.

The Pales in the arms are kept closely united by the chief, and the chief depends on that Union, and the strength resulting from it, for its support, to denote the confederacy of the states, and the preservation of the Union, through Congress.

\* In Heraldry, Argent signifies white, Gules red, and Azure blue ; where these colours cannot be emblazoned, they are represented on seals, &c. as follows : Argent, by a perfect blank ; Red by perpendicular and Azure by horizontal lines. The Chief in our arms, on the horizontal lines in the upper quarter of the escutcheon, or eagle's breast.

[Pittsburgh Gazette.]



The colors of the pales are those used in the flag of the United States of America.— White signifies purity and innocence; red hardiness and valor, and blue the color of the chief, signifies vigilance, perseverance, and justice. The olive branch and arrows denote the power of peace and war, which is exclusively vested in Congress.

The *Crest* or Constellation denotes a new state taking its place and rank among other foreign powers.

The escutcheon borne on the breast of an American eagle, without any other supporters, denotes that the United States ought to rely on their own virtue.

The pyramid on the Reverse signifies strength and devotion; its unfinished state refers to the infancy of the American government. The eye over it, and the motto, 'An-nuit coeptis,' 'He sanctions our endeavours,' allude to the many signal interpositions of Providence in favour of the American cause.

The following letter was written by Charles Thomson, Esq. to W. Barton, Esq. enclosing him a copy of the device.

'Sir,—I am much obliged to you for the perusal of the Elements of Heraldry, which I now return, I have just dipt into it so far as to be able to be satisfied that it may afford a fund of entertainment, and may be applied by a state to useful purposes.

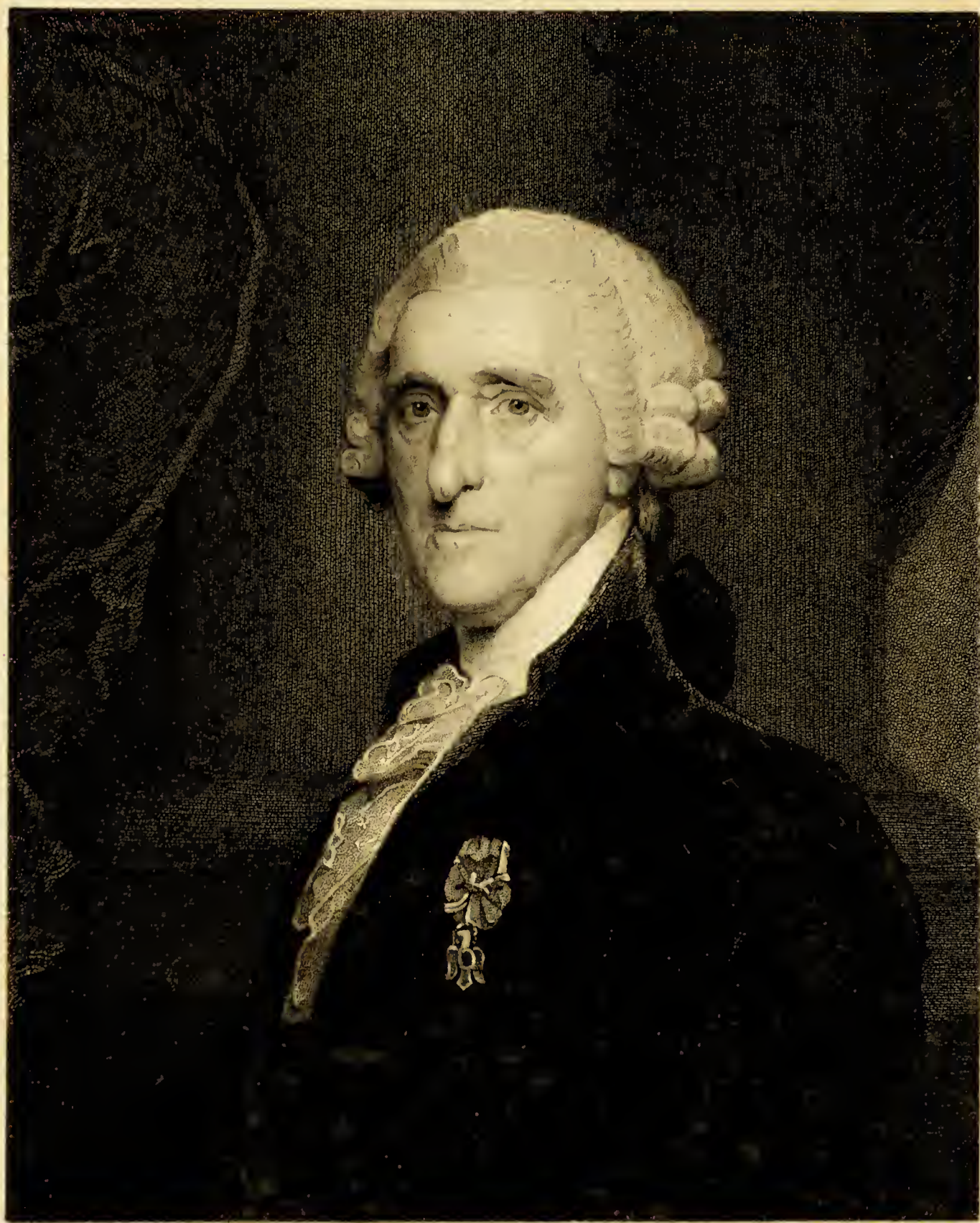
'I enclose you a copy of the device by which you have displayed your skill in Heraldic science, and which meets with general approbation. Yours,

'CHARLES THOMSON.'









Engraved by J. B. Welch from a painting by J. Stuart

THOMAS JEFFERSON



JOURNALS  
OF  
CONGRESS:

JOHN CARTER BROWN

CONTAINING THEIR

PROCEEDINGS

FROM JANUARY 1, 1781, TO NOVEMBER 2, 1782.

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*PUBLISHED BY AUTHORITY.*

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VOLUME VII.

—+—  
FROM FOLWELL'S PRESS.

—+—  
PHILADELPHIA.

1800.



RPJCB





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“ *RESOLVED*

BY the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives, be authorized and directed, to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred Copies of the Journals of Congress, which are proposed to be published by RICHARD FOLWELL, and such number of copies of different volumes of the sets now in print, as may be necessary to complete the same.

JONATHAN DAYTON, *Speaker of the  
House of Representatives.*

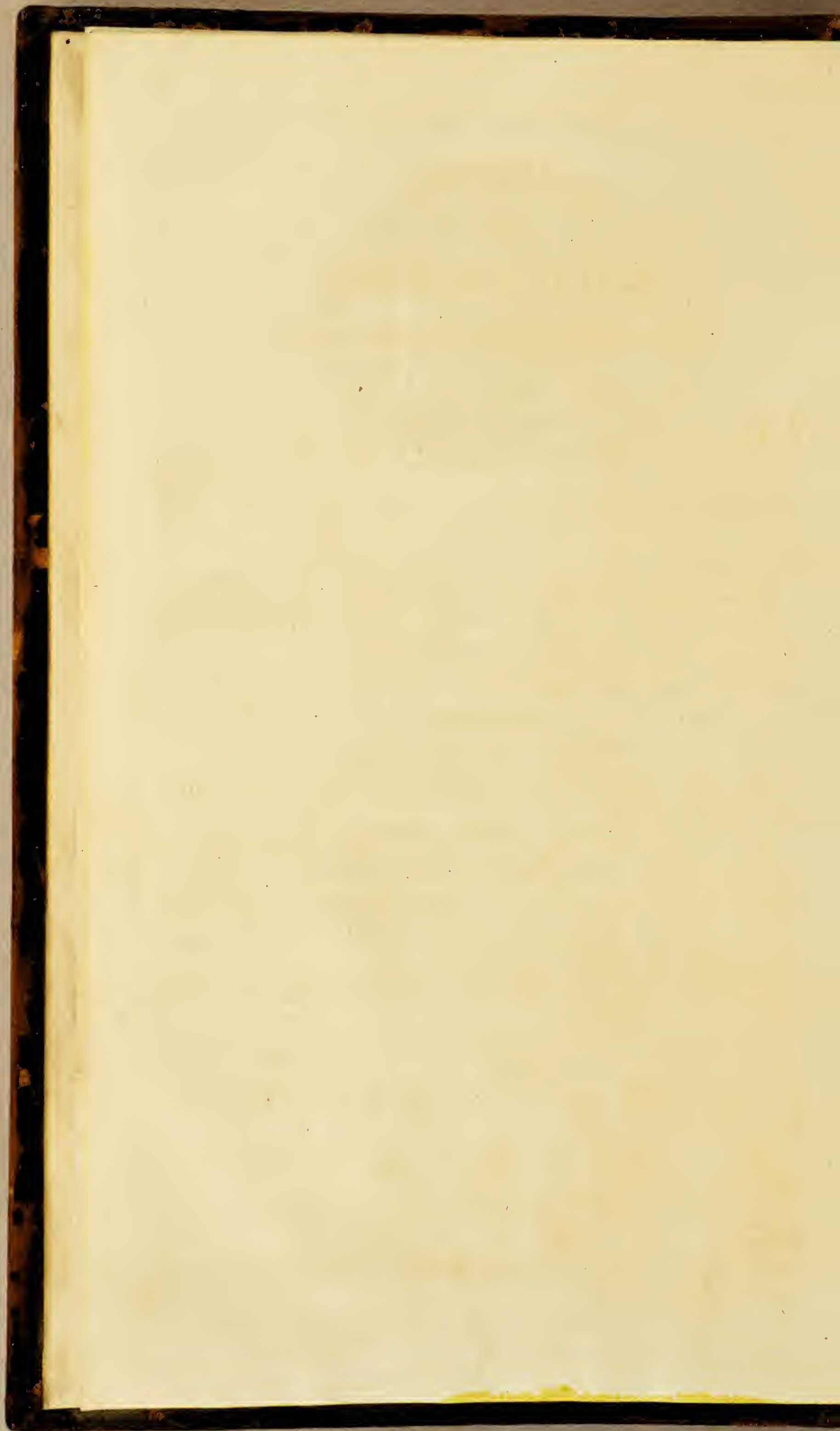
JAMES ROSS, *President of the Senate pro tempore.*

APPROVED, March 2d, 1799 :

JOHN ADAMS, *President  
of the United States.”*

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JOURNALS  
OF  
CONGRESS.

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*MONDAY January 1, 1781.*

ON motion of Mr. Madison, seconded by Mr. Sullivan,  
*Resolved*, That in the new arrangement of the army it is the sense of Congress, that the officers of the continental lines, who have been exchanged since the said arrangement, or are now in captivity, ought to be considered and arranged according to their respective ranks, in the same manner with those who have not been prisoners.

A motion was made by Mr. Sullivan, seconded by Mr. Varnum,  
That lieutenant-colonel William Smith be continued as sub-inspector, with his present rank in the army of the United States, to be employed as the commander in chief shall direct :

On which the yeas and nays were required, and,  
It was resolved in the affirmative.

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*TUESDAY, January 2, 1781.*

The delegates for the state of Massachusetts-Bay laid before Congress their credentials.

A report from the board of treasury was read ; whereupon,

*Resolved*, That John Shee and Andrew Doz, together with the treasurer of loans, be competent to execute the duties heretofore assigned them, in conjunction with Hugh Montgomery and Samuel Downe ; and that the said John Shee and Andrew Doz, with the treasurer of loans, proceed to destroy any bills which are or may be transmitted by the commissioners of the loan-offices to the treasurer of loans, of the emissions of May 20th, 1777, and April 11th, 1778, called out of circulation.

*Resolved* That the consideration of the damages, represented by Jonathan Sturges, to be done his farm by the continental troops, be deferred to the close of the present war, then to be taken up, in common with others of a similar nature, which have been postponed to that period.

*Resolved*, That loan-office certificates of the following denominations, bearing an interest of six per cent. per annum, be struck under the direction of the board of treasury, to be issued to such fortunate adventurers in the third class of the United States lottery, as may be entitled to and apply for the same ; and that the said certificates be dated at the time of finishing the drawing of the said class, and made payable at the end of five years, viz.



1	of	30,000	dollars.
1	of	20,000	do.
2	of	15,000	do.
2	of	10,000	do.
10	of	5,000	do.
200	of	1,000	do.
1000	of	500	do.

The board of treasury, to whom was referred the letter of Resolve Smith, report, that, in the opinion of the board, it is not only inexpedient but highly improper, at this juncture, to dispose of the bills of exchange for the purposes pointed out in his letter :

*Resolved*, That Congress agree to the said report.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favour of the pay-master to the board of war and ordnance, for 1,000,000 of dollars, of the old emissions, to be by him transmitted to Joseph Clay, deputy pay-master-general to the southern-department : that the said Joseph Clay be informed, by the board of treasury of the value of bills in this city, and that he be directed to forward what bills may be remaining in his hands unfold by return of the escort who takes to him the money aforesaid, unless it shall appear to the said pay-master for the southern-department, absolutely necessary to retain a part of such bills for indispensable supplies for the said department. But at all events the said deputy pay-master shall return to the board of treasury 13,000 dollars, in bills of exchange, as an equivalent for the million of dollars sent him as aforesaid. That upon the return of the bills aforesaid to the board of treasury, should they exceed the equivalent for the million sent, immediate measures be taken for the sale of the said bills, and the money arising from such sale forwarded to the said Joseph Clay, for the use of his department.

A report from the board of war was read ; whereupon,

*Ordered*, That the board of war add to the estimate of supplies to be imported from Europe, eight plain, but elegant silver mounted small swords.

A letter from colonel Armand was read ; whereupon,

*Resolved*, That general Washington be informed, that Congress consent to his permitting colonel Armand to take from the line of infantry in the army of the United States, when the state and strength thereof will admit, a sufficient number of volunteers to complete his partizan corps for the next campaign, provided he be not allowed to take more than six men from a regiment.

A report from the board of war, on the letter of J. Laurens, was read ; whereupon,

*Ordered*, That bills of exchange, to the amount of 3700 dollars, be put into the hands of the pay-master of the board of war and ordnance, for the purpose of enabling the said board to take for the public use, a number of cartouch-boxes and a quantity of clothing, contracted for by lieutenant-colonel Laurens, and to pay for the repairs of a number of arms, for which colonel Laurens became engaged.



*WEDNESDAY, January 3, 1781.*

A letter, of this day, from Dr. William Shippen, director-general of the hospitals, was read, requesting leave to resign.

*Ordered,* That his resignation be accepted.

A letter and memorial of John Rofs, were read, with a copy of his account against the United States :

*Ordered,* That the same be referred to the board of treasury, to liquidate the account, and devise ways and means for paying the balance due to him.

The board of war, to whom was referred the letter from brigadier-general James Reed, delivered in a report ; whereupon,

*Resolved,* That for the future, brigadier-general James Reed receive the emoluments of officers retiring from service by virtue of the resolutions of Congress, on that subject ; and that it be recommended to the executive of the state of New-Hampshire to make up to him the depreciation of his pay from the time of his appointment to this day ; and to pay him in future, on account of the United States, the sum he is entitled to receive, from time to time, by virtue of the said resolutions.

Congress took into consideration the report of the committee on the petition from Thomas Lee and John Coffin Jones ; and thereupon,

*Resolved,* That the board of treasury be, and hereby are directed to draw bills of exchange in favour of Lee and Jones, at six months sight, upon the hon. John Adams, for the full amount of the balance, principal and interest, due on the contract made with them for a quantity of clothing for the army, by Otis and Henly, in behalf of the United States, on the 13th of January, 1780, to be delivered to the said Otis and Henly, and for which they are to be accountable.

—+—  
*Six o'clock.*

*Resolved,* That a committee of three be appointed to confer with the supreme executive of the state of Pennsylvania, on the subject matter of the intelligence received this day :

The members, Mr. Sullivan, Mr. Witherpoon and Mr. Matthews.

—❁—  
*THURSDAY, January 4, 1781.*

*Ordered,* That the board of war draw no warrants on the pay-master-general, except for the invalid regiment, and the regiment of artificers in the department of the commissary-general of military-stores, until the farther order of Congress.

A report from the board of war was read ; whereupon,

*Ordered,* That the resignation of cornet Brayman, of colonel Armand's corps be accepted : that the board of treasury report a warrant in favour of cornet Brayman, for 300 dollars, of the new emissions, in full for his pay, depreciation, and every other claim he may have against the United States as an officer.

Congress took into consideration the report of the committee on the post-office ; whereupon,

*Resolved,* That so much of the act of the 12th of December last, for regulating the post-office, as directs " that for the future the pay



of the post-riders be double the sum they received before the present war," be suspended until further order of Congress.

Congress took into consideration the report of the committee on the petition of M. M'Connell, &c. and others, under similar circumstances, wherein it is represented,

That the petitioners, in the summer past, had, in the vicinity of the army near West-Point, a quantity of rum, &c. which they had transported thither at their own expense from a considerable distance; that by order of the commanding-officer at West-Point, some of the rum, &c. was received upon special contract, and some was taken without any particular contract, for the use of the garrison; that the price agreed for is no more than the current price at that time in that place, and not greatly exceeding the price fixed by the resolution of the 25th February, after deducting the charges of transportation: that cases such as these, being singularly circumstanced, ought not to be confined to the rule prescribed in the resolution of the 26th of August; whereupon,

*Resolved*, That the cases above referred to, and others under similar circumstances, where supplies have been furnished by individuals for the use of the army, upon particular contracts, be settled and paid agreeably to such contracts, making good the depreciation; and that where such supplies are taken without any particular contract, they be settled and paid according to their just value, to be estimated by the current prices of such articles at the time and place, when and where taken, with the depreciation.

The committee appointed to confer with the managers of the bank, laid before Congress an account of the first payment received on the loan subscription:

*Ordered*, That it be referred to the board of treasury, to devise ways and means of repaying the same to the managers of the bank.

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FRIDAY, January 5, 1781.

A letter, of the 4th, from John Wharton, one of the navy-board of middle-district, was read, desiring leave to resign.

*Resolved*, That two members be added to the committee appointed on the 3d inst. to confer with the supreme executive of the state of Pennsylvania, on the subject matter of the intelligence received that day; and that the said committee be instructed to act in concert with the said executive, and fully empowered to take such measures as may appear necessary to quiet the disturbances in the Pennsylvania line.

The members added, Mr. Atlee and Mr. Bland.

The committee to whom were referred the letter of Abraham Skinner, commissary-general of prisoners, and other papers relative to the treatment of prisoners in the hands of the enemy, delivered in a report, as follows:

"That notwithstanding every effort of Congress to obtain for our people, prisoners in the hands of the enemy, that treatment which humanity alone should have dictated, the British commanders, unmindful of the tenderness exercised towards their men, prisoners in our hands, and regardless of the practice of civilized nations, have persisted in treating our people, prisoners to them, with every species of insult, outrage and cruelty. Officers and men are indiscriminately



thrown into the holds of prison-ships and into loathsome dungeons, and there deprived of fuel and the common necessaries of life, by which means many of the citizens of these states have been compelled to enter into their service, to avoid those distresses which a conduct so contrary to the law of nations had brought upon them. Our seamen taken upon the American coast, have been sent to Great-Britain, or other parts beyond seas, to prevent their being exchanged, or to force them to take arms against their country : that in the opinion of the committee, an exercise of the law of retaliation had become necessary, as a justice due to those citizens of America whom the fortune of war has thrown into the power of our enemy ; whereupon,

*Resolved*, That copies of the letter of Mr. A. Skinner, and the other papers referred, be transmitted to the commander in chief, and that he be directed to enquire into the manner in which our people who are prisoners, are treated by the enemy, and that he give immediate orders to the commanding-officers at the different posts to take particular care that the British prisoners receive the same allowance and treatment, in every respect, as our people, who are prisoners, receive from the enemy.

*Resolved*, That it be recommended to the respective executives to take effectual measures for carrying into execution the act of Congress of January 13th, 1780, respecting prisoners taken by the citizens, troops or ships of particular states :

That the board of admiralty issue orders not to exchange any British sea officers or seamen, until the enemy have returned to some of their garrisons in America, such seamen as they have taken upon the American coasts, and sent to Great-Britain, or other parts beyond sea : and that the board of admiralty give orders for continuing the treatment of prisoners as herein directed, until they receive orders to the contrary from Congress or the commander in chief.

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*SATURDAY, January 6, 1781.*

A letter from the board of war was read ; whereupon,

*Resolved*, That Ignatius Penet be appointed a lieutenant in colonel Armand's partizan corps.

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*MONDAY, January 8, 1781.*

A report from the board of war was read ; whereupon,

*Ordered*, That the resignation of lieutenant Henry Stroop, of colonel Flower's regiment of artificers, be accepted.

*Resolved*, That colonel Broadhead be informed, that it will be agreeable to Congress to receive the visit proposed to be made to them by some of the friendly Delaware Indians in the spring, as mentioned in his letter of the 7th of last month to the board of war :

That colonel Broadhead be also informed, that Congress will support, as far as their abilities will permit, such of the Indians of the Delaware tribe, as shall voluntarily engage in the service of the United States against the common enemy.

The board of war, to whom was referred a letter of 15th of November from the governor of New-York, with the letter from colonel Malcolm enclosed, delivered in a report ; whereupon,



*Resolved*, That, in the opinion of Congress, colonel William Malcolm cannot be considered as entitled to pay and subsistence as a colonel in the service of the United States, longer than he held the actual command of his regiment; and that he be recommended to the executive of the state of New-York as a meritorious officer, who, from the impracticability of employing him in the army, is to be deemed a supernumerary under the resolution of Congress of the 24th day of November, 1778.

And whereas colonel Malcolm has been employed, after his leaving his regiment, on sundry occasional services:

*Resolved*, That it be referred to the executive of the state of New-York to settle and adjust his pay during the time of such services, and charge the same to the United States.

The committee, to whom was referred the report of a committee on letters from general Washington, &c. of December 8th, delivered in a report; whereupon,

*Resolved*, That it be earnestly recommended to the states, from New-Hampshire to North-Carolina, inclusive, to procure and forward to the treasurer of the United States, or to their commissary of prisoners, appointed to reside at New-York, by the first day of March next, for the use of the officers in captivity at that place, and on Long-Island, and to be charged to the United States, the following sums respectively, in specie, or bills of exchange on New-York, viz.

New-Hampshire,	-	-	2319	dollars.
Massachusetts,	-	-	13,334	do.
Rhode-Island,	-	-	1160	do.
Connecticut,	-	-	9855	do.
New-York,	-	-	4347	do.
New-Jersey,	-	-	5217	do.
Pennsylvania,	-	-	13,334	do.
Delaware,	-	-	987	do.
Maryland,	-	-	9159	do.
Virginia,	-	-	14,492	do.
North-Carolina,	-	-	5796	do.

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80,000 dollars.

Congress proceeded to the election of an adjutant-general, and, the ballots being taken, brigadier-general Hand was elected.

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TUESDAY, January 9, 1781.

Congress took into consideration the report of the committee on the letter of the 6th of December last, from the president and supreme executive council of the state of Pennsylvania; whereupon,

*Resolved*, That the president and supreme executive council of the state of Pennsylvania be informed, that Congress have paid due attention to their letter of the 6th of December last, stating "a high abuse of office, committed by James Mease, late clothier-general, and William West, jun. his deputy or appointee: who, in conjunction with major-general Arnold, did, under colour of office, in the year 1778, take from sundry inhabitants of this city, great quantities of merchandize, not necessary for the army, which were converted to their private emolument:"



That Congress highly disapprove such conduct, and consider it as a flagrant abuse of office and of the public confidence reposed in them, and meriting exemplary punishment; and,

That it be recommended to the said president and supreme executive of the state of Pennsylvania, to direct the attorney-general of the said state to prosecute the said James Mease and William West, jun. in the name of the United States, in the ordinary course of law, for the abuse of office and breach of trust complained of.

—\*—  
*WEDNESDAY, January 10, 1781.*

Congress took into consideration the report of the committee appointed to consider and report a plan for the department of foreign affairs, wherein they state,

That the extent and the rising power of these United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point out the propriety of cultivating with them a friendly correspondence and connexion:

That, to render such an intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations and systems of those potentates, is obvious:

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and an unremitting application to the means of acquiring well grounded information:

That Congress are moreover called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the public honor, interest and safety:

That to answer those essential purposes, the committee are of opinion, that a fixed and permanent office for the department of foreign affairs ought forthwith to be established, as a remedy against the fluctuation, the delay and indecision to which the present mode of managing our foreign affairs must be exposed; whereupon,

*Resolved*, That an office be forthwith established for the department of foreign affairs, to be kept always in the place where Congress shall reside:

That there shall be a secretary for the dispatch of business of the said office, to be stiled "secretary for foreign affairs:"

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the department of foreign affairs: to receive and report the applications of all foreigners: to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before Congress when required: also to transmit such communications as Congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries: the said secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department: he shall also be authorized to employ one or if necessary more clerks to assist him in the business of his office: and the secretary, as well as such



clerks, shall, before the president of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.

— ❁ —  
THURSDAY, January 11, 1781.

The board of admiralty, to whom was referred the letter of J. Wharton, delivered in a report; whereupon,

*Ordered*, That the resignation of John Wharton be accepted.

*Resolved*, That James Reed be, and hereby is invested with full powers for conducting the business of the navy-board in the middle-department, until the further order of Congress, and that he be empowered to hire a competent clerk for the purpose of assisting him in settling the accounts of that board.

*Resolved*, That Monday next be assigned for electing a director of the hospital, and a pay-master-general to the army.

— ❁ —  
FRIDAY, January 12, 1781.

Congress took into consideration the report of the board of war of December 8th; whereupon,

*Resolved*, That from and after the first day of August last, the pay and appointments of the officers in the department of the commissary-general of military-stores be as follows, the sums hereafter mentioned to be paid in bills of the new emission, and all monies received in bills of the old emissions, since the said first day of August, be accounted for agreeable to the table of depreciation, as fixed by the board of treasury:

Commissary-general of military-stores,	}	100 dollars per month, 3 rations per day.		
Deputy commissary-general,		80	dols. per month	2 rations per day.
Commissaries,		70	do.	2 do.
Deputy commissaries,		55	do.	2 do.
Conductors,		45	do.	1 do.
Clerks,		40	do.	1 do.

No rations in addition to the number above-mentioned, are to be allowed for servants:

That the officers and men of the regiment of artillery artificers have the same pay, from and after the said first day of August, in bills of the new emission, as was originally fixed in bills of the then emissions, by the regulations of the department, made by Congress, on the 11th day of February, 1778, and that they draw the number of rations then directed:

That the appointments of the field-commissary of military-stores, and his subordinate officers, be as follows, from and after the first day of August last, the pay to be received in bills of the new emission:				
Field-commissary,	}	90 dollars per month, two rations per day, servants included.		
Deputy field-commissary,		70	dols. per month,	2 rations per day, do.
Conductor,		45	do.	1 do. do.
Clerk,		40	do.	1 do. do.

That the commanding-officer of artillery, for his extra services in the affairs of the ordnance-department, receive 40 dollars per



month, in addition to his pay as an officer in the line, in bills of the new emission, from and after the 1st day of August last :

That the surveyor of ordnance, for defraying his expenses in the exercise of his office, be allowed from and after the 1st day of August last, 40 dollars per month, in bills of the new emission, besides his appointments as a field-officer of artillery.

*Resolved*, That the additional pay of aids-de-camp, brigade-majors, adjutants, and regimental quarter-masters, agreeably to the act of 27th May, 1778, be considered as fixed in specie ; and that the same, from and after the 18th day of August last, be drawn in bills of the new emission :

That the pay of a regimental pay-master and clothier, in addition to his pay as an officer in the line, be 30 dollars per month, in bills of the new emission, and that the several states, in making up the depreciation of such officers from the times of their respective appointments, calculate upon the additional pay as being 30 dollars per month in specie.

The report of the committee on the affairs of the treasury, was called for, and the same being read, was accepted.

*Ordered*, That it be entered on the journal.

The report is as follows :

That they met upon the business to them referred, and received the complaint of Ezekiel Forman and John Gibson, two of the commissioners of the board of treasury, against the commissioners of the chambers of accounts, in writing, which contains the five following charges, or articles : 1st, neglect of duty ; 2d, indolence ; 3d, inattention to the public interest ; 4th, incapacity ; and 5th, partiality :

That the committee furnished the commissioners of the chambers of accounts with the said complaints, and afterwards heard the testimony, proofs, allegations and observations of the several parties ; and after mature deliberation thereupon, find that the commissioners of the chambers have settled above 200 accounts, between the 1st of December, 1779, and the 1st December, 1780, several of which required the examination of many thousand vouchers and papers ; and that all the accounts which have been referred to them are reported to the auditor-general's office, four or five excepted, for the delay of which, satisfactory reasons were given to the committee :

That the committee cannot ascertain with any precision, the time that might be necessarily employed in the transacting this business, but conceive it might have been done with more facility if the present system established by Congress did not necessarily create great delays, and therefore they are upon the whole of opinion, that the said commissioners cannot justly be censured on account of any of the three first articles or charges.

That the committee had no evidence of incapacity in the said commissioners, or either of them, save Mr. John Nicholson, one of their clerks, whose conduct had been complained of by them, and who had recriminated the said commissioners previous to the giving his evidence : and besides the committee are not satisfied that he is a competent judge of this matter :

That they have carefully attended to every suggestion of partiality,



and, having fully investigated every particular relating to this charge, do not find any trace of the sort :

The committee therefore are of opinion, that the commissioners of the chambers of accounts, and every of them, should be acquitted of each of the charges exhibited against them.

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SATURDAY, January 13, 1781.

The committee to whom was referred the letter of December 7th, from major-general Greene, delivered in a report ; whereupon,

Congress taking into consideration the eminent services rendered to the United States by brigadier-general Sumpter, of South-Carolina, at the head of a number of volunteer militia, from that and the neighbouring states, particularly in the victory obtained over the enemy at the Hanging-Rock, on the 6th of August ; in the defeat of major Wemys and the corps of British infantry and dragoons under his command, at Broad-River, on the 9th day of November, in which the said major Wemys was made prisoner ; and in the repulse of lieutenant-colonel Tarlton, and the British cavalry and infantry under his command, at Black-Storks, on Tyger-river, on the 20th day of November last ; in each of which actions the gallantry and military conduct of general Sumpter, and the courage and perseverance of his troops, were highly conspicuous.

*Resolved therefore,* That the thanks of Congress be presented to brigadier-general Sumpter, and the militia aforesaid, for such reiterated proofs of their patriotism, bravery and military conduct, which entitle them to the highest esteem and confidence of their country ; and that the commanding-officer of the southern-department do forthwith cause the same to be issued in general orders, and transmitted to general Sumpter.

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MONDAY, January 15, 1781.

The committee to whom was referred the letter from E. Blane, and the report of the board of treasury on the letter from J. Pierce, delivered in a draught of a letter to the states, which was agreed to as follows :

S I R,

A circular address to the respective states of the 9th day of November last, communicated a requisition of Congress for the service of the current year. This act, and the system of the 18th of March respecting our finances, include the principal means which their present powers have enabled Congress to adopt for prosecuting the war ; measures so deeply interesting, not only demand the unremitted attention and vigorous support of the legislatures ; but Congress ought to be informed of their progress with the utmost precision. Both are necessary to the public credit, to the success of our military operations, to the very existence of our armies. By our act of the 21st of October, the state agents are directed to transmit to the commander in chief, and to the commissary-general respectively, monthly returns of all supplies, which shall be drawn into their hands, specifying the articles and the magazines where they shall be deposited. It is equally incumbent on the state treasurers to make similar returns to the board



of treasury of all the taxes which shall be brought into their respective offices, and of the issues of the new emission. These are regulations which cannot be dispensed with, and it is recommended to the legislatures to enjoin them under such penalties as will enforce a prompt and punctual obedience.

Besides those supplies for the current year, which cannot be anticipated without the utmost danger, the pay in arrear to the army demands your most serious consideration. The honor of government and military order and discipline depend on its regular discharge. Nor was a fund sufficient for this and other purposes neglected; for had the requisitions for taxes prior to the act of the 18th of March been productive; had the warrants on the state treasurers for the balances of those taxes, drawn so long ago as the first of July, been satisfied, a complaint of this nature could not have existed.

We are not unapprized of the embarrassments attending the collection of taxes from the credit given on commissaries and quarter-master's certificates for the support of the army; but it is manifest that Congress could not provide a remedy. It was found expedient to discontinue the emission of paper-money, and from various causes, the public necessities were not relieved by loans, at the same time that the measure was embraced of extinguishing those certificates in the taxes. Hence the treasury has been destitute of supply, almost every resource being cut off at the same instant. In vain have we endeavoured to obtain a knowledge of the amount of those certificates, or how far they have been reduced; and they continue to obstruct every plan which hath been devised for restoring public credit and supporting the war. This is a subject to which the authority of the legislatures alone is competent, and it will become their wisdom and their zeal for the public service to give it the fullest investigation.

In the mean time, an immediate provision for the pay of the army is indispensably necessary. We need not dwell upon the injustice or the probable effects of a delay, they are obvious and alarming: and we earnestly call upon the several states to devise prompt and efficient means for remitting to the pay-master-general, on warrants to be issued in his favour, the respective quotas assigned to them by the enclosed estimate.

The necessity of great and spirited exertions becomes every day more evident. While the cruel policy of our enemies raises universal indignation and abhorrence, it admonishes us that no time is to be lost in rescuing our bleeding country from desolation, and establishing its independence on the basis of an honorable and permanent peace. However great may be the burthens which we are called upon to sustain, let us remember that they are the price of liberty, and that they have been common to every people who have dared to struggle for social happiness against violence and oppression. Let us reflect on our solemn engagements, to devote our lives and our fortunes to the best of causes: and we shall find that we cannot be destitute of resources. Let us review the past miseries of a lingering war, and the danger of its further protraction, and we shall seize the golden opportunity of co-operating with our generous ally, by every possible effort to render the approaching campaign glorious and decisive. If we are unable in



this stage of the conflict to defend ourselves by annual taxes ; can we hesitate to interpose our responsibility, or to contribute a portion of our capitals. Will a people whose fortitude and patriotism have excited the admiration of Europe, languish at the bright dawn of triumph, and endanger the public happiness by a selfish parsimony ? While Congress entertain just sentiments of their constituents there can be no place for such humiliating apprehensions. On the contrary, we shall look with confidence for a liberal compliance with every requisition which the public exigencies dictate. Experience has pointed out the dangers to which we have been exposed by a want of punctuality in former supplies, and we are persuaded that those dangers will, for the future, be carefully prevented.

For our own part we have left nothing untried to render the operations of the war more vigorous and successful. We have applied for naval succours from abroad : if we no longer continue unfortunate in the importation, we shall not want a competent supply of clothing, arms and ammunition. We are once more attempting a foreign loan of specie : we have pointed out and required the aids of men, provisions and money, which in every event must be produced from our own internal resources. We have strenuously urged upon the states a punctual compliance, on their part, with those requisitions. With the states, who alone have authority to execute ; with an enlightened people, who know how to estimate the blessings for which we contend, it remains to give the measures which we have recommended their full and seasonable effect.

The estimate referred to :

Estimate of the sums necessary to be forwarded by the respective states, from Pennsylvania to New-Hampshire, inclusive, for the immediate pay of the army composed of the lines of those states.

*Apportioned by Congress as follows :*

New-Hampshire,	-	-	51,726
Massachusetts,	-	-	284,493
Rhode-Island,	-	-	25,863
Connecticut,	-	-	155,178
New-York,	-	-	77,589
New-Jersey,	-	-	51,726
Pennsylvania,	-	-	232,767

Total, 879,342 dollars.

The above is calculated on six months pay in species value ; one half of which to be advanced without the least delay, and the remainder by the 1st of April next.

WEDNESDAY, January 17, 1781.

Mr. Alexander M'Dougall, a delegate from the state of New-York, attended, and took his seat in Congress.

*Resolved*, That the salary of the secretary for foreign affairs be 4000 dollars per annum, exclusive of office expenses.

*Resolved*, That Monday next be assigned for electing a secretary for foreign affairs.

Congress proceeded to the election of a director of the military-



hospital; and the ballots being taken, Dr. John Cochran was elected, having been previously nominated by Mr. Varnum.

Congress proceeded to the election of a pay-master-general of the army; and the ballots being taken, Mr. John Pierce was elected, having been previously nominated by Mr. Clarke.

Congress took into consideration the report of the committee on the letter of the 5th November last, from general Washington, enclosing a memorial from the officers in the hospital-department; and, thereupon came to the following resolutions:

Whereas, by the plan for conducting the hospital-department, passed in Congress the 30th day of September last, no proper establishment is provided for the officers of the medical-staff, after their dismissal from public service, which, considering the custom of other nations and the late provision made for the officers of the army, after the conclusion of the war, they appear to have a just claim to; for remedy whereof, and also for amending several parts of the above-mentioned plan:

*Resolved*, That all officers in the hospital-department, and medical-staff, herein aftermentioned, who shall continue in service to the end of the war, or be reduced before that time as supernumeraries, shall be entitled to, and receive, during life, in lieu of half-pay, the following allowance, viz.

The director of the hospital equal to the half-pay of a lieutenant-colonel:

Chief physicians and surgeons of the army and hospital, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons, each equal to the half-pay of a captain:

That there be allowed to the purveyor, apothecary, and assistant purveyor, each, forage for one horse:

That the power given in the before-mentioned plan, to the chief physician and surgeon of the army, to remove regimental-surgeons and mates in case of absence without leave, shall in future extend no further than a power of suspension, until such delinquent shall be reported to a proper officer for bringing him to trial by court-martial:

That the apothecary may deliver medicines, instruments and dressings, and other articles of his department, to the hospitals, on orders in writing from a physician and surgeon having the care of any particular hospital, where the director or one of the chief physicians and surgeons shall not be present to give the same:

That the power given to the director and chief hospital-physicians, with respect to the appointment of matrons, nurses, and other persons necessary for the regular management of the hospitals, be extended to each of the physicians and surgeons of the hospitals, in the absence of the director and chief physicians and surgeons.

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THURSDAY, January 18, 1781.

On motion of Mr. Clarke, seconded by Mr. Duane,

*Resolved*, That the board of admiralty be authorized to exchange, as heretofore, any exchangeable prisoners of the enemy, taken in refugee boats, for our people prisoners with the enemy, the resolution of the 5th instant notwithstanding.



*SATURDAY, January 20, 1781.*

The committee, to whom was referred the letter of the 21st December, from E. Blaine, delivered in a report ; whereupon,

*Ordered,* That a letter be written by the president to the executive of the state of Delaware, representing the necessity of forming magazines of flour contiguous to the army, and urging that state to send forward their quota to Trenton by water, without delay.

*TUESDAY, January 23, 1781.*

A letter, of the 10th, from J. Bradford, was read, enclosing a schedule of the settlement with captain Duarti, for the Nostra Signiora del Carmo and St. Antonio and cargo, and captain Duartie's discharge :

*Ordered,* That the same be referred to the board of treasury.

The delegates for the state of New-York, laid before Congress a letter of the 14th, from John M'Kesson, which being read, it was thereupon,

*Resolved,* That a procurator be appointed, during the pleasure of Congress, to prosecute in behalf of Congress for all debts due to, or frauds committed against these United States in the state of N. York.

*Resolved,* That Egbert Benson, Esq; be appointed to the office of procurator as aforesaid.

*Ordered,* That the letter aforesaid be referred to the board of treasury to take order.

A report from the board of war was read ; whereupon,

*Resolved,* That Congress approve of col. Armand's proposals, as made in his letter of 19th inst. to the board of war, respecting the procuring the clothing and equipment of his legion on his own credit ; the monies advanced for the purchase of the articles procured, to be re-paid in four years, with interest, at the rate of five per centum per annum ; the articles procured to be plain and useful, without unnecessary decorations or expense :

That colonel Armand have leave to go to France ; and for this purpose a furlough be granted him for six months.

That the board of treasury report a warrant in favour of the paymaster of the board of war, for the sum deemed necessary by the board to recruit the legion commanded by col. Armand to its complement.

That the quarter-master-general be directed to procure a sufficient number of horses, to re-mount such of the cavalry as are destitute of horses, agreeable to the directions to be given by the commander in chief for the next campaign, and that colonel Armand's legion be furnished with its proportion out of the number so procured by the quarter-master-general.

That the remainder of colonel Armand's legion, now in service, be stationed, for the purpose of discipline and equipment, at such place as the commander in chief shall think proper.

That so much of the report as relates to the appointment of lieutenant-colonel Ternant to be lieutenant-colonel of the legion commanded by colonel Armand, be referred to the commander in chief.

*FRIDAY, January 26, 1781.*

A letter, of the 25th, from J. Pierce, pay-master-general, was read ; whereupon,



*Resolved*, That the allowance of five dollars per month, to the officers of the army, for each retained ration, granted by an act of the 12th of August last, shall commence on the 1st day of August, 1780 :

That the additional pay of aids-de-camp, brigade-majors, adjutants and regimental quarter-masters, as mentioned in the act of Congress of the 12th of this inst. be drawn in bills of the new emission, from and after the 1st day of August last, instead of the 18th day of the same month, as mentioned in the above-mentioned resolution.

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*SATURDAY, January 27, 1781.*

A report from the board of treasury was read ; whereupon,

*Resolved*, That the resignation of John Biddle, lately appointed a commissioner to burn the money sent, and to be sent, by the commissioners of the several loan-offices, to the treasury of the United States, be accepted, and that Mr. Andrew Doz, the commissioner appointed to destroy the emissions of May, 1777, and April, 1778, in the hands of the treasurer of loans, be, and hereby is appointed to execute the trust assigned to Mr. Biddle.

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*MONDAY, January 29, 1781.*

Mr. Joseph Jones, a delegate of Virginia, attended, and took his seat in Congress.

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*WEDNESDAY, January 31, 1781.*

A letter, of the 18th, from governor Trumbull, was read, enclosing a resolution, passed by the general assembly of that state, the 29th of Nov. last, respecting the requisitions of Congress ; and wherein it is represented, " that upon good information, there is reason to apprehend that there has been a great loss and spoil of clothing belonging to the United States, for want of proper care and attention to that department ;" also a resolution of the said general assembly, passed in October last, respecting the cession and relinquishment of western territory to the United States.

*Ordered*, That the resolution of November be referred to a committee of three :

The members, Mr. Duane, Mr. Clymer and Mr. Sharpe.

*Ordered*, That the resolution of October, together with the acts and resolutions of the state of New-York and of the commonwealth of Virginia, on the same subject, be referred to a committee of seven :

The members, Mr. Witherspoon, Mr. Duane, Mr. Root, Mr. Adams, Mr. Sullivan, Mr. Burke, Mr. Walton.

The committee to whom was referred the letter of Joseph Howell, auditor of accounts for the main army, and the report of the board of treasury thereon, delivered in a report ; whereupon,

*Resolved*, That the auditors of accounts for the main and separate army, be, and hereby are authorized to allow to each of their clerks, from and after the first day of August last,  $41\frac{2}{3}$  of a dollar a-month, in bills emitted pursuant to the act of the 18th of March last, and one ration a-day.

The committee to whom was referred the memorial of Samuel Hodgdon, delivered in a report ; whereupon,



*Resolved*, That the commissary-general of military-stores, or first officer in that department, be, and hereby is allowed, from and after the first day of August last, 115 dollars a-month, in bills emitted pursuant to the act of the 18th of March last; and that the deputy commissary or second officer in that department, be, and hereby is allowed, from the said first day of August, the sum of 90 dollars per month, in the bills aforesaid; in lieu of the sums allowed them respectively by the resolution of the 12th instant.

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THURSDAY, February 1, 1781.

On motion of the medical-committee,

*Resolved*, That the purveyor of the hospital be, and hereby is empowered and directed to collect, or cause to be collected and secured under his care, until properly issued, all public hospital-stores and medicines in Virginia, late under the direction of Dr. Rickman, or others acting under the United States, and all persons in possession of such public stores or medicines, are hereby required to deliver the same to the said purveyor, or his order, upon demand.

A report from the board of war was read; whereupon,

Congress came to the following resolution:

Whereas, by the late arrangement of the army, there is a supernumerary officer allowed to each regiment, to reside in the state to which such regiment belongs, for the purpose of transacting all necessary business for the regiment; therefore,

*Resolved*, That the resolution of the 4th September, 1778, allowing officers three dollars a-day for expenses on business not incidental to their offices, be, and is hereby repealed, from and after the first day of March next.

Congress took into consideration the report of the committee of the whole, and the first resolution being read, "that it be recommended to the several states, as indispensably necessary, that they pass laws, granting to Congress, for the use of the United States, &c. a duty of five per cent. on goods, &c. imported," &c.

A motion was made by Mr. Burke, seconded by Mr. Matthews, to strike out the words "pass laws granting to," and in lieu thereof, insert "vest a power in," and after the word "Congress," to insert the words "to levy;" and on the question, shall the words moved to be struck out stand? the yeas and nays were required by Mr. Burke, and the states being equally divided, the words were struck out.

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FRIDAY, February 2, 1781.

The board of war, to whom was referred the letter of captain Paschki, delivered in a report; whereupon,

*Resolved*, That captain Paschki, late of the American army, be informed that the request contained in his letter of the 22d inst. to be allowed depreciation and half-pay cannot be complied with.

On the application of Mr. Sullivan, a delegate for the state of New-Hampshire,

*Ordered*, That the board of war advance to John Nesmith, so much money as they may judge reasonable and necessary, to enable him to return home; and make report to the board of treasury of the sum so



advanced, that the same may be charged to the state of New-Hampshire, which is to be accountable.

The delegates of Pennsylvania laid before Congress a letter of this day to them, from the president of the supreme executive council of Pennsylvania, enclosing a copy of a letter from the same to major-general St. Clair, which were read; whereupon,

*Ordered*, That the president inform the supreme executive council of Pennsylvania, that Congress have not been insensible of the sufferings of the army for want of pay: that on the 15th of last month they did, in the most earnest manner, apply to the respective states, from Pennsylvania to New-Hampshire, both inclusive, for a sum of money for the immediate pay of the army composed of the line of those states: that the whole line is equally the object of the care and attention of Congress: that as soon as the circumstances of the public treasury will admit, the just claims of the army shall be satisfied; but that Congress cannot, in any circumstance, make a distinction between the troops of any one state and those of another.

On motion of Mr. Wolcott,

*Resolved*, That he be excused from any further attendance at the board of treasury.

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*SATURDAY, February 3, 1781.*

Mr. Thomas Smith, a delegate for the state of Pennsylvania, attended, and took his seat.

A report from the board of war was read; whereupon,

*Resolved*, That it be recommended to the supreme executive of the state of Pennsylvania, to call out to do duty in the city of Philadelphia for thirty days, if not sooner discharged, 100 rank and file of the militia, properly officered.

The order of the day was called for, when a motion was made by Mr. Witherspoon, seconded by Mr. Burke,

That it is indispensably necessary that the United States in Congress assembled, should be vested with a right of superintending the commercial regulations of every state, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the exclusive right of laying duties upon all imported articles, no restriction to be valid, and no such duty to be laid, but with the consent of nine states. Provided, that all duties and imposts laid by the United States in Congress assembled, shall always be a certain proportion of the value of the article or articles on which the same shall be laid; and the same article shall bear the same duty and impost throughout the said states without exemption: and provided that all such duties and imposts shall be for the perfecting of certain specified purposes, which purposes being perfected, the said duties and imposts, so appropriated, shall cease: provided also, that the United States in Congress assembled, shall not be empowered to appropriate any duties or imposts for perpetual annuities, or other perpetual or indefinite interests, or for annuities for more than three lives at the same time in being, or for a longer term than ——— years.

On the question to agree to this; the yeas and nays being required by Mr. Matthews,



It passed in the negative.

Congress resumed the consideration of the report of the committee of the whole :

And on the question to insert the words, moved to be inserted ; the yeas and nays were required :

And it was resolved in the affirmative.

The report of the committee of the whole, being amended, was agreed to as follows :

*Resolved*, That it be recommended to the several states, as indispensably necessary, that they vest a power in Congress, to levy for the use of the United States, a duty of five per cent. *ad valorem*, at the time and place of importation, upon all goods, wares and merchandizes of foreign growth and manufactures, which may be imported into any of the said states from any foreign port, island or plantation, after the first day of May, 1781 ; except arms, ammunition, clothing and other articles imported on account of the United States, or any of them ; and except wool-cards and cotton-cards, and wire for making them ; and also, except salt, during the war.

Also, a like duty of five per cent. on all prizes and prize goods, condemned in the court of admiralty of any of these states as lawful prize.

That the monies arising from the said duties, be appropriated to the discharge of the principal and interest of the debts already contracted, or which may be contracted, on the faith of the United States, for supporting the present war :

That the said duties be continued until the said debts shall be fully and finally discharged.

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MONDAY, February 5, 1781.

A letter, of 31st of January, from general Washington, enclosing a letter of the 27th, from major-general Howe ; and one of the 25th of January, from major-general Parsons, were read :

*Ordered*, That the letter of major-general Parsons, with the papers enclosed, relative to his successful enterprize against the enemy's post at Morristania, with so much of the general's letter as relates thereto, be referred to the committee of intelligence ; and that the commander in chief return the thanks of Congress to major-general Parsons, and the officers and men under his command ; and inform him that Congress have directed this publication to be made in testimony of their approbation of his judicious arrangements, and of the spirit and military conduct displayed by the officers and men employed under him on the occasion.

On motion of the medical-committee,

*Ordered*, That the medical-committee give the directions necessary for establishing an hospital in Virginia, and providing for the same ; and also for removing the sick from the new-gaol in this city, to some proper place to be provided as a hospital for prisoners.

The committee, to whom was referred the letter of 20th November last, from the president of the state of New-Hampshire, report,

That with respect to the case of Mons. de la Tour, a French subject, residing in New-Hampshire, stated to Congress by president Weare, the committee are of opinion, that the tax on his stock in trade, of which



he complains, being common to the citizens of that state, and no wise incompatible with his character as a French subject, is liable to no objection, unless such effects be included in his computed stock as lie out of that state, to which distinction careful attention ought to be paid.

*Resolved*, That Congress agree to the said report.

The committee having reported farther on the subject :

*Ordered*, That the consideration of the remainder be postponed.

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TUESDAY, February 6, 1781.

On motion of Mr. Bland ;

*Resolved*, That Thomas Bond, jun. purveyor to the general-hospital, be, and hereby is authorized to settle the accounts for salaries, and pay the officers of the hospital established in Virginia, under the direction of Dr. Gould, which have accrued since the new arrangement of the medical-department ; and that Dr. W. Rickman, late deputy director, settle and return the accounts of salaries due the officers of the said hospital, prior to that date, to the present purveyor.

A memorial of J. Henderson, agent of O. Pollock, was read ; whereupon,

Congress took into consideration the report of the committee of commerce on the memorial of J. Henderson, respecting the accounts of O. Pollock ; and, thereupon,

*Ordered*, That the treasury-board pass 37,836 dollars, specie, to the credit of O. Pollock, agent for the United States at New-Orleans, as a debt due to him from the said states, on which an interest of six per cent. is to be allowed him until payment shall be made.

The board of treasury, to whom was recommitted their report, respecting the drawing of the fourth class of the United States lottery, delivered in another report ; whereupon,

*Resolved*, That the managers of the United States lottery, forthwith prepare for the drawing of the fourth class of the said lottery : that they draw the blanks and prizes, and begin the drawing on the first Monday in April next, under the direction of the board of treasury : and that the tickets then remaining unrenewed by the adventurers in the third class, conformable to the resolution of the 18th day of November, 1776, be on account of the United States and not disposed of.

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WEDNESDAY, February 7, 1781.

Whereas the events of the war may prevent the legislatures of some of these states, from assembling in time to consider the act of Congress of the 3d, and consent to the vesting in Congress the power to levy the duties mentioned in the said act, so as to enable Congress to apply the said duties for the important purposes for which the said duties are designed : and whereas there is no reason to apprehend that such states as may be so circumstanced, will refuse to concur in a measure calculated for the general defence, so soon as their legislatures shall be enabled to meet and deliberate :

*Resolved*, That so soon as all the states, whose legislatures shall and may assemble, shall consent to the vesting in Congress the power of levying the duties in the act aforesaid specified, Congress will proceed to the execution of the said powers ; and the revenues arising from the



said duties, shall be carried to the general credit of all the states which shall consent or accede thereto, in the first session of their respective legislatures, which shall be held after the said act shall have reached the executive powers of the states respectively.

*Ordered*, That the foregoing resolution, together with the act of the 3d, be transmitted with all-convenient dispatch to the several states; and that, in the letter accompanying the same, the president urge upon the several executives the necessity of immediately calling the assemblies, if not already convened, for the purpose of vesting Congress with the power mentioned in the said act.

The committee to whom was re-committed part of their report on a plan for the arrangement of the civil executive departments of the United States, delivered in another report.

Congress then resumed the consideration of the plan for the arrangement of the civil executive departments of the United States; and thereupon,

*Resolved*, That there be a superintendant of finance, a secretary at war, and a secretary of marine:

That it shall be the duty of the superintendant of finance, to examine into the state of the public debts, the public expenditures, and the public revenue; to digest and report plans for improving and regulating the finances, and for establishing order and œconomy in the expenditure of the public money; to direct the execution of all plans which shall be adopted by Congress respecting revenue and expenditure; to superintend and controul the settlement of all public accounts; to direct and controul all persons employed in procuring supplies for the public service and in the expenditure of public money; to obtain accounts of all the issues of the specific supplies furnished by the several states; to compel the payment of all monies due to the United States, and in his official character, or in such manner as the laws of the respective states shall direct, to prosecute in behalf of the United States, for all delinquencies respecting the public revenue and expenditures; to report to Congress the officers which shall be necessary for assisting him in the various branches of his department.

That the powers and duty of the secretary at war, shall be as follows:

To examine into the present state of the war-office, the returns and present state of the troops, ordnance, arms, ammunition, clothing and supplies of the armies of these United States, and report the same to Congress; to obtain and keep exact and regular returns of all the forces of the United States, and of all the military-stores, equipments and supplies in the magazines of the United States, or in other places for their use; and to take the immediate care of all such as are not in actual service; to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the superintendant of finance, that he may take measures for procuring the same in such manner as may best suit the finances of these states; to prepare estimates for paying and recruiting the armies of these United States, and lay them before the superintendant of finance, so seasonably as to enable him to make provision without delay or derangement; to execute all the resolutions of Congress respecting military preparations, and



transmit all orders and resolutions relative to the military land forces of these United States ; to make out, seal and counter-sign all military commissions, keep registers thereof, and publish annually a list of all appointments ; to report to Congress the officers necessary for assisting him in the business of his department.

*Resolved*, That it shall be the duty of the secretary of marine, to examine into and report to Congress the present state of the navy, a register of the officers in and out of command, and the dates of their respective commissions ; and an account of all the naval and other stores belonging to that department ; to form estimates of all pay, equipments and supplies necessary for the navy ; and from time to time, to report such estimates to the superintendant of finance, that he may take measures for providing for the expenses, in such manner as may best suit the condition of the public treasury ; to superintend and direct the execution of all resolutions of Congress respecting naval preparations ; to make out, seal, and counter-sign all marine commissions, keep registers thereof, and publish annually a list of all appointments ; to report to Congress the officers and agents necessary to assist him in the business of his department : and in general to execute all the duties and powers specified in the act of Congress constituting the board of admiralty.

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THURSDAY, February 8, 1781.

A letter, of the 24th of January, from major-general Greene, with fundry papers enclosed, giving an account of a signal and complete victory gained by brigadier-general Morgan, on the 17th of January, over a detachment of the British army, under the command of lieutenant-colonel Tarlton.

Also, another letter from major-general Greene, of the 23d, and a letter of January 9th, from the same, with fundry papers enclosed, were read :

*Ordered*, That the same be referred to a committee of three :

The members, Mr. Burke, Mr. Varnum, Mr. Bee.

An authentic copy of a letter from brigadier-general Moultrie, to lieutenant-colonel Balfour, dated Christ Church parish, October 16th, 1780, and colonel Balfour's answer, were read :

*Ordered*, That copies thereof be transmitted to the ministers of these United States at the courts of Europe ; and that the letter be referred to the committee aforesaid.

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FRIDAY, February 9, 1781.

*Resolved*, That the salary of the superintendant of finance, be 6000 dollars per annum :

That the salary of the secretary at war, be 5000 dollars per annum : and,

That the salary of the secretary of marine, be 5000 dollars per annum.

On motion of Mr. Bland, seconded by Mr. Sullivan,

*Ordered*, That the board of treasury immediately lay before Congress an exact state of the returns from all the respective loan-offices, specifying the old emissions brought in to be destroyed, and the new



emissions retained, subject to the orders of Congress; also, a state of the taxes paid in by the respective states, and that they make such report to Congress on the first Monday of every month in future.

SATURDAY, February 10, 1781.

Congress was resolved into a committee of the whole, to consider farther the report on finance, and after some time the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the report on finance, but not having come to a conclusion, desire leave to sit again.

*Ordered*, That on Monday next, Congress be resolved into a committee of the whole, to consider farther the reports on finance.

MONDAY, February 12, 1781.

Mr. Daniel Carroll, a delegate for the state of Maryland, attended, and produced the credentials of his appointment, which were read.

The delegates for Maryland laid before Congress a certified copy of an act of the legislature of that state, which was read as follows:

“An act to empower the delegates of this state in Congress, to subscribe and ratify the articles of confederation.

“Whereas, it hath been said that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea, that the common cause would be promoted by our formally acceding to the confederation; this general assembly, conscious that this state hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this state to continue her exertions to the utmost, agreeable to the faith pledged in the union; from an earnest desire to conciliate the affection of the sister states; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his most Christian majesty; and to destroy forever any apprehension of our friends or hope in our enemies, of this state being again united to Great-Britain.

“Be it enacted by the general assembly of Maryland, that the delegates of this state in Congress, or any two or three of them, shall be, and are hereby empowered and required, on behalf of this state, to subscribe the articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, signed in the general Congress of the said states, by the hon. Henry Laurens, Esq; their then president; and laid before the legislature of this state to be ratified, if approved. And that the said articles of confederation and perpetual union, so as aforesaid subscribed, shall henceforth be ratified and become conclusive as to this state, and obligatory thereon. And it is hereby declared, that by acceding to the said confederation, this state doth not relinquish, or in-



tend to relinquish, any right or interest she hath, with the other United or confederated States, to the back country; but claims the same as fully as was done by the legislature of this state, in their declaration which stands entered on the journals of Congress; this state relying on the justice of the several states hereafter, as to the said claim made by this state.

“ And it is further declared, that no article in the said confederation, can or ought to bind this or any other state, to guarantee any exclusive claim of any particular state, to the soil of the said back lands, or any such claim of jurisdiction over the said lands or the inhabitants thereof.

By the House of Delegates, January 30th, 1781.

Read and assented to,

By order,

F. GREEN, *Clerk.*

By the Senate, February 2d, 1781. Read and assented to.

By order,

JAS. MACCUBBIN, *Clerk.*

THO. S. LEE. (L. S.)”

Congress was resolved into a committee of the whole, and after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance, and made some progress, but not having come to a conclusion, desire leave to sit again:

*Ordered*, That to-morrow Congress be again resolved into a committee of the whole, to consider further the reports on finance.

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WEDNESDAY, February 14, 1781.

The board of war, to whom was referred the letter of the 7th, from B. Stoddert, secretary of the board of war, praying for leave to resign, delivered in a report; whereupon,

*Resolved*, That his resignation be accepted.

*Ordered*, That the remainder of the report be postponed.

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THURSDAY, February 15, 1781.

The committee, appointed to consider the letter of December 22d, 1780, from the governor of Massachusetts, delivered in a report; whereupon,

*Resolved*, That the president inform the governor of Massachusetts, that Congress, sensible of the importance of supporting the eastern Indian department, under the superintendence of colonel John Allan, approve of the care of the executive of Massachusetts, in making, from time to time, the necessary provision for the same; and they are requested to continue such supplies, and charge the same to the United States: and it is further resolved, that the governor and council of Massachusetts, be, and hereby are empowered to complete the company of artillery, at the post of Mechias, to a number not exceeding sixty-five, including such officers as they shall judge necessary, for the further security and defence thereof; the said company to be under the command of colonel John Allan, and to be raised, clothed, paid and subsisted as continental soldiers, at the expense of the United States.



*Resolved*, That Joseph Howell, jun. one of the auditors of accounts for the main army, be, and he hereby is authorized to open his office in Philadelphia, for the purpose of settling the accounts that may properly come before him, as one of the auditors of accounts for the main army; and that he proceed particularly in the settlement of the accounts of the officers and pay-masters of the Pennsylvania line, or other accounts proper to be settled by him, under the direction of the board of treasury, subject to be removed to the main army so soon as it shall appear necessary.

Congress resumed the consideration of the letters from W. Carmichael, &c. when the draught of a letter to Mr. Jay, which the delegates of Virginia had moved in pursuance of instructions from their constituents, was debated and agreed to.

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FRIDAY, January 16, 1781.

On motion of Mr. Varnum, seconded by Mr. M'Dougall,

*Resolved*, That no member speak twice upon any question in debate, until every member who chooses, shall have spoken once upon the same.

Congress was resolved into a committee of the whole; and, after some time, the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance, but not having come to a conclusion, desire leave to sit again:

*Ordered*, That to-morrow Congress be resolved into a committee of the whole, to consider farther the reports on finance.

On motion of the committee of commerce,

*Resolved*, That the committee of commerce, be, and hereby are authorized to employ a suitable person to arrange the accounts of the said committee.

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SATURDAY, February 17, 1781.

A report from the board of war was read; whereupon,

*Resolved*, That Joseph Carleton be, and he is hereby appointed secretary of the board of war, in the room of Benjamin Stoddert resigned, until the further order of Congress.

A report from the board of war was read; whereupon,

*Resolved*, That the principal superintendant of bakers, in the army of the United States, receive, in bills of the new emissions, 50 dollars per month, and two rations a-day, and forage for one horse:

That the superintendant of bakers make regular monthly returns to the commissary-general of issues; and that he receive monies, from time to time, by warrants from the commander in chief, out of the military-chest, for payment of wages, and carrying on the business of his department:

That Mr. Christopher Ludwick, who has acted with great industry and integrity in the character of principal superintendant of bakers, be, and is hereby continued in that employment; and that he be empowered to hire or enlist any number of bakers, not exceeding 30, on such terms as the board of war shall think proper:

That Mr. Christopher Ludwick receive, as a compensation for all past services, 1000 dollars, in bills of the new emission.



*MONDAY, February 19, 1781.*

A motion was made by Mr. Bee, seconded by Mr. Varnum, That captain John P. Jones, lately arrived from France, be directed to attend Congress on Monday next, to lay before them every information in his power, relative to the detention of the clothing and arms belonging to these United States, in France : and that the doors of Congress be open during such examination :

After debate,

A motion was made by Mr. Adams, seconded by Mr. Sharpe, That the farther consideration thereof be postponed.

On which the yeas and nays were required ; and,

It passed in the affirmative.

*TUESDAY, February 20, 1781.*

Mr. M. Smith, a delegate for Virginia, attended, and took his seat in Congress.

On the report of a committee, consisting of Mr. Adams, Mr. M'Dougall, Mr. Montgomery, Mr. Sullivan, Mr. Madison and Mr. Burke, appointed to confer with colonel B. Harrison :

*Resolved*, That the southern army be composed of all the regular troops, from Pennsylvania to Georgia, inclusive, except Moylan's dragoons, and those on command on the western frontiers ; and that the commander in chief be, and hereby is directed to order the troops of the Pennsylvania line, except as above, to join the army in Virginia, by detachments, as they may be in readiness to march :

That the deputy quarter-master in Pennsylvania, be, and he is hereby directed to put the waggons belonging to the Pennsylvania line, in order for service immediately :

That the several states southward of Pennsylvania, be, and hereby are required to furnish their respective quotas of supplies to the southern army, timely and regularly :

That the states aforesaid, and the state of Pennsylvania, be, and hereby are required to complete their respective quotas of troops, and forward them to join the southern army without loss of time.

*Resolved*, That 400 waggons be procured and furnished for the southern army.

*Resolved*, That the board of war, be, and hereby are directed to furnish the southern army with 10,000 suits of clothes, complete : 860 tents, 5000 musquets, with baynets and cartouch-boxes ; 8000 knapsacks, 6000 havresacks, 8000 canteens, 700 camp-kettles, 8000 blankets, 10 tons of musquet powder, 5 tons of cannon powder, and 20 tons of lead.

That the board of war furnish the artillery and cavalry, with the necessary ammunition and equipments not comprised in the foregoing resolutions : and that they employ a sufficient number of artificers to repair the arms in the magazines of Virginia and other places.

*Resolved*, That for purchasing the foregoing articles the board of war be, and hereby are authorized and directed to contract for payment in specie, other money equivalent, payable in six months with interest ; and that bills of exchange, on the minister of these United States at the court of Versailles, be prepared immediately, and deposited with the board of war, to be by them delivered to the persons so contracting, to the amount of such contracts, at the expiration of the



saïd term, unless they shall have monies at that time to fulfil the saïd contracts.

*Resolved*, That it be, and hereby is recommended to the executives of the states of Delaware, Maryland, Virginia and North-Carolina, to agree upon and settle an arrangement for supplying the southern army with provisions from the states most contiguous, and for replacing the same with provisions from those that are more remote ; and to establish such mode of transportation as will be most convenient and least expensive to the whole.

Congress proceeded to the election of a superintendant of finance ; and the ballots being taken,

Robert Morris, Esq; was unanimously elected, having been previously nominated by Mr. Floyd.

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WEDNESDAY, February 21, 1781.

*Resolved*, That captain O'Neil be considered as retiring from service under the resolution of Congress of the 24th day of November, 1778, and be entitled to one year's pay in bills emitted pursuant to the resolution of the 18th of March, 1780.

A report from the board of war, on the memorial of Preserved Clap, was read ; whereupon,

*Resolved*, That the supreme executive of the state of Massachusetts examine into the merit and services of Preserved Clap, and order payment on the account of the United States, for such sum as they think he may justly deserve ; provided it shall not exceed 1000 dollars in bills of the new emissions :

That Preserved Clap be informed, that Congress cannot employ him in public service, consistent with their arrangements.

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THURSDAY, February 22, 1781.

Mr. Hanson, a delegate for Maryland, attended, and took his seat in Congress.

The delegates of Maryland having taken their seats in Congress with powers to sign the articles of confederation :

*Ordered*, That Thursday next be assigned for completing the confederation ; and that a committee of three be appointed, to consider and report a mode for announcing the same to the public :

The members, Mr. Walton, Mr. Madison, Mr. Matthews.

Congress took into consideration the report of the committee on the memorial of R. Peters, T. Pickering and W. Grayson ; and, thereupon,

*Resolved*, That the salaries of the respective commissioners of the board of war, be established agreeably to the resolution of the 17th of October, 1777, the act of the 13th September last notwithstanding ; and that their several accounts for services since the first mentioned date, be adjusted accordingly.

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FRIDAY, February 23, 1781.

On a report of the board of treasury :

*Ordered*, That bills of exchange, of the following denominations, be forthwith struck, under the direction of the board of treasury, for



the payment of interest to such holders of loan-office certificates, as may be entitled to receive it in such bills, viz.

1000 sets of	12 dollars,	at five livres tournois per dollar.
1500 do. of	18 do.	do.
1000 do. of	24 do.	do.
3000 do. of	30 do.	do.
3000 do. of	36 do.	do.
500 do. of	60 do.	do.
100 do. of	300 do.	do.

That the said bills be drawn conformable to the resolutions of Congress of the 12th of May and 11th of July, 1778.

On report of a committee, consisting of Mr. Carroll, Mr. Sullivan and Mr. Matthews, to whom was referred a letter of the 19th, from lieutenant-colonel Uriah Forrest:

*Resolved*, That the resignation of lieutenant-colonel Forrest, of the Maryland line, be accepted; and that he be entitled to all the emoluments of the resolutions of the 10th of April and the 21st of October last, except half-pay:

That the state of Maryland be, and hereby is requested to advance to lieutenant-colonel Forrest, on account of the United States, a sum equal to seven years half-pay of a lieutenant-colonel, in lieu of the half-pay he would otherwise be entitled to during his natural life.

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*SATURDAY, February 24, 1781.*

*Resolved*, That the postage of letters, in future, be double the sums paid before the commencement of the present war.

On the report of the committee appointed to report the mode of announcing the final ratification of the articles of confederation:

*Resolved*, That on Thursday next, at twelve o'clock, the final ratification of the confederation of the United States of America, be announced to the public; and that the board of war and board of admiralty take order accordingly:

That this important event be communicated to the executives of the several states:

That the several ministers of these states in Europe, be informed of the complete and final ratification of the said confederation; and that they be ordered to notify the same to the respective courts at which they reside:

That it be also notified to the honorable the minister plenipotentiary of France:

That information of the completion of the said confederation, be transmitted to the commander in chief, and that he be directed to announce the same to the army under his command.

On report of the committee appointed to confer with col. B. Harrison.

*Resolved*, That the convention prisoners, now in Virginia, be removed in to some state more northerly, and that the board of war have them immediately put in motion for that purpose, and continue their march by the way of Noland's ferry, until the farther order of Congress.

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*MONDAY, February 26, 1781.*

Mr. Thomas M'Kean, a delegate for the state of Delaware, at-



tended, and produced the credentials of the delegates of that state, which were read.

Congress took into consideration a report from the board of war, on a memorial of colonel R. Gridley ; and, thereupon,

*Resolved*, That it be recommended to the state of Massachusetts, to make up to Richard Gridley the depreciation of his pay as engineer, at 60 dollars per month, from the time of his appointment to the first day of January, 1781, in like manner with other officers in the continental service, and charge the same to the United States :

That from and after the said first day of January, 1781, colonel Gridley be considered as a retiring officer, and be entitled to receive from the United States  $444\frac{2}{3}$ ths of a dollar per annum, in bills of the new emission, in virtue of the resolutions of Congress of 17th November, 1775, on the subject of his indemnification for any losses he might sustain, by entering into the service of the United States.

On a report from the board of war ;

*Resolved*, That Elijah Weed be, and he is hereby appointed keeper of the state-prison in Philadelphia, in the room of Robert Jewell, deceased.

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TUESDAY, February 27, 1781.

Mr. Rodney, a delegate for the state of Delaware, attended, and took his seat in Congress.

On report of a committee, consisting of Mr. Sharpe, Mr. M'Dougall and Mr. Sullivan, to whom was referred a letter of 30th of May, from Mons. de Sartine.

*Resolved*, That Congress entertain a high sense of the distinguished bravery and military conduct of John Paul Jones, Esq; captain in the navy of the United States, and particularly in his victory over the British ship of war Serapis, on the coast of England, which was attended with circumstances so brilliant, as to excite general applause and admiration.

That the minister plenipotentiary of these United States, at the court of Versailles, communicate to his most Christian majesty the high satisfaction Congress have received from the information of Mons. de Sartine, that the conduct and gallant behaviour of captain John Paul Jones have merited the attention and approbation of his most Christian majesty ; and that his majesty's offer of adorning capt. Jones with the cross of military merit, is highly acceptable to Congress.

According to the order of the day, Congress proceeded to the election of a secretary of marine ; and the ballots being taken.

Major-general Alexander M'Dougall was elected.

*Ordered*, That the election of the other secretaries be postponed.

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WEDNESDAY, February 28, 1781.

On report of a committee, consisting of Mr. Varnum, Mr. Bee and Mr. Atlee, to whom was referred a motion of Mr. Bee :

*Ordered*, That warrants issue in favour of John Pierce, pay-master-general, upon the loan-offices of the undermentioned states in the following proportions, in bills of the new emission, arising from the  $\frac{4}{10}$ ths of the 10,000,000 issued in pursuance of the act of the 18th of



March last; and that the same be applied to the paying of the lines of the said states, viz.

On the commissioner of the continental loan-office of

New-Hampshire,	51,726	dollars.
Massachusetts,	284,293	do.
Rhode-Island,	25,863	do.
Connecticut,	155,178	do.
New-York,	77,589	do.
New-Jersey,	51,726	do.
Pennsylvania,	232,767	do.

Of which, 15,100 to be paid immediately, in preference to any former warrants, for which several sums the said J. Pierce, pay-master-general, is to be accountable.

A motion was made by Mr. Burke, seconded by Mr. Howly,

That the election of a secretary at war be postponed to the first day of October next.

On the question to agree to this, the yeas and nays were required :  
And, it was resolved in the affirmative.

*Resolved*, That the commissioners of the board of war proceed upon the duties of that department, with all the powers and authorities, expressed in the act of the 7th of the present month, ascertaining the duties of the secretary at war, until the further order of Congress; any former resolution to the contrary notwithstanding.

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THURSDAY, March 1, 1781.

A representation from the delegates of the state of New-Hampshire, and the state of Rhode-Island, was laid before Congress and read.

In pursuance of the act of the legislature of the state of New-York read in Congress the 7th of March, 1780, entitled, "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," and which is in the words following :

"Whereas nothing under Divine Providence, can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance, on such liberal principles, as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America, have not proved acceptable to all the states; it having been conceived, that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war: and the people of this state of New-York being on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security; and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment.

"Be it therefore enacted, by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the delegates of this state, in the honorable the Congress of the United States



of America, or the major part of such of them as shall be assembled in Congress; and they the said delegates, or the major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this state in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished, with respect only to the right of pre-emption of the soil.

“ And be it further enacted by the authority aforesaid, that the territory, which may be ceded or relinquished, by virtue of this act, either with respect to the jurisdiction as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever.

“ And be it further enacted by the authority aforesaid, that all the lands to be ceded and relinquished, by virtue of this act, for the benefit of the United States, with respect to property; but which shall nevertheless remain under the jurisdiction of this state, shall be disposed of and appropriated in such manner only, as the Congress of the said states shall direct; and that a warrant under the authority of Congress, for surveying and laying out any part thereof, shall entitle the party in whose favour it shall issue to cause the same to be surveyed and laid out, and returned according to the directions of such warrant, and thereupon letters patent under the great seal of this state shall pass to the grantee for the estate specified in the said warrant, for which no other fee or reward shall be demanded or received, than such as shall be allowed by Congress.

“ Provided always and be it further enacted by the authority aforesaid, that the trust reposed, by virtue of this act, shall not be executed by the delegates of this state, unless at least three of the said delegates shall be present in Congress.”

*State of New-York, ff.*

“ I do hereby certify, that the foregoing is a true copy of the original act, passed the 19th of February, 1780, and lodged in the secretary's office.

ROBERT HARPUR, *Dept. Sec'y of State.*”

The delegates for the state of New-York executed in Congress the following act or declaration, to wit,

“ To all people who shall see these presents, we, James Duane, William Floyd and Alexander M'Dougall, the underwritten delegates for the state of New-York in the honorable Congress of the United States of America, send greeting:

“ Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the state of Virginia, that the United States should guarantee to that state the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the state of New-York, as a member of the federal union, should be compelled to guarantee the territories which shall be reserved by other states making such cessions,



when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner: wherefore, the said delegates for the state of New-York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said state of New-York, now to be made by them in behalf of the people of the said state, shall not be absolute; but on the contrary, shall be subject to ratification or disavowal by the people of the said state, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said state, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other states shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the state of New-York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the articles of confederation. In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE, (L. S.)

WM. FLOYD, (L. S.)

ALEXANDER M'DOUGALL, (L. S.)

Sealed and delivered in the presence of CHARLES THOMSON,  
CHARLES MORSE,  
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form in behalf of their state, the following instrument, viz.

“To all who shall see these presents, we James Duane, William Floyd and Alexander M'Dougall, the underwritten delegates for the state of New-York in the honorable Congress of the United States of America, send greeting:

“Whereas by an act of the legislature of the said state of N. York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled, “An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America;” it is declared that the people of the state of New-York, were on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states; and it is thereby enacted by the people of the said state of New-York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said state in the honorable Con-



gress, and they or the major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of that state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said state in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil : and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right of pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever : and by the said act it is provided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said state, unless at least three of the said delegates shall be present in Congress : and whereas, by letters patent, under the great seal of the said state of New-York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of Sept. then last past, nominated and appointed us, the said James Duane, William Floyd and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said state in the Congress of the United States of North America, therefore in pursuance of the said nomination and appointment, the people of the said state of New-York, did thereby commission us, the said James Duane, William Floyd and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress ; and if only one of the said delegates should at any time be present in the said Congress, he should in such case, be authorized to represent the said state in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears.

“ Now therefore know ye, that we, the said James Duane, William Floyd and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us as aforesaid, have judged it expedient to limit and restrict, and we do by these presents, for and in behalf of the said state of New-York, limit and restrict the boundaries of the said state in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say : a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof to its north-west corner continued, due west, until it shall be intersected by a meridian line, to be drawn from the 45th degree of north latitude, through the most westerly bent or inclination of lake Ontario ; thence by the said meridian line to the 45th degree of north latitude ; and thence by the said 45th degree of north latitude : but if on experiment, the above described meridian line shall not comprehend 20 miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the



authority aforesaid, limit and restrict the boundaries of the said state in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say; a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof, to its north-west corner, continued due-west until it shall be intersected by a meridian line to be drawn from the 45th degree of north latitude, through a point 20 miles due-west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the 45th degree of north latitude, and thence by the said 45th degree of north latitude: And we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the states as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction and claim, of the said state of New-York to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only, as the Congress of the said United or Confederated States shall order and direct.

“ In testimony whereof we have hereunto subscribed our names, and affixed our seals in Congress, the 1st day of March, in the year of our Lord 1781, and of our independence the 5th.

Signed,	JAMES DUANE,	(L. S.)
	WILLIAM FLOYD,	(L. S.)
	ALEXANDER M'DOUGALL.	(L. S.)

Sealed and delivered in presence of	CHARLES THOMSON,
	CHARLES MORSE,
	EBENEZER SMITH.

According to the order of the day, the hon. John Hanson and Daniel Carroll, two of the delegates for the state of Maryland, in pursuance of the act of the legislature of that state, entitled, “ An act to empower the delegates of this state in Congress to subscribe and ratify the articles of confederation,” which was read in Congress on the 12th of February last, and a copy thereof entered on the minutes, did, in behalf of the said state of Maryland, sign and ratify the said articles, by which act the confederation of the United States of America was completed, each and every of the Thirteen United States, from New-Hampshire to Georgia, both included, having adopted and confirmed, and by their delegates in Congress ratified the same, as follows:

To all to whom these presents shall come, we the undersigned delegates of the states affixed to our names, send greeting:

Whereas the delegates of the United States of America in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the 2d year of the independence of America, agree to certain articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, in the words following, viz.



*Articles of Confederation and Perpetual Union between the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, N. Carolina, S. Carolina and Georgia.*

Article 1. The stile of this confederacy shall be the United States of America.

Article 2. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

Article 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare ; binding themselves to assist each other against all force offered to or attacks made upon them or any of them on account of religion, sovereignty, trade or any other pretence whatever.

Article 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states (paupers, vagabonds and fugitives from justice excepted) shall be entitled to all privileges and immunities of free citizens in the several states ; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant ; provided also, that no imposition, duties or restriction shall be laid by any state on the property of the United States or either of them.

If any person guilty of or charged with treason, felony or other high misdemeanor in any state, shall flee from justice and be found in any of the United States, he shall upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

Article 5. For the more convenient management of the general interest of the United States, delegates shall be annually appointed, in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November in every year, with a power reserved to each state to recal its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two nor by more than seven members ; and no person shall be capable of being a delegate for more than three years, in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in any meeting of the



states, and while they act as members of the committee of the states. In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony or breach of the peace.

Article 6. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty, with any king, prince or state: nor shall any person holding any office of profit or trust under the United States or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state, nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so eminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled, shall determine otherwise.

Article 7. When land-forces are raised by any state for the com-



mon defence, all officers of or under the rank of colonel shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

Article 8. All charges of war and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall, from time to time, direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

Article 9. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed judge of any of the said courts.

The United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall in the presence of Congress, be drawn out by lot; and the persons whose names shall



be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner before he sits in judgment shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward;" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated; establishing or regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces and directing their operations.

The United States in Congress assembled, shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a committee of the states," and to consist of one delegate from



each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed and equipped, shall march to the place appointed and within the time agreed on by the United States in Congress assembled : But, if the United States in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same : in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled, shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them ; nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same ; nor shall a question on any other point, except for adjourning from day to day, be determined unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate ; and the delegates of a state or any of them, at his or their request, shall be furnished



with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Article 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite.

Article 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union: but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

Article 12. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Article 13. Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation is submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state."

And whereas it hath pleased the Great Governor of the world to incline the hearts of the legislatures, we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. KNOW YE, that we the undersigned delegates, by virtue of the power and authority, to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm, each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight, and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof, shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. IN WITNESS whereof, we have hereunto set our hands in Congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the 3d year of the independence of America.

Josiah Bartlett,  
John Wentworth, jun.  
August 8th, 1778.

} On the part and behalf of the  
state of New-Hampshire.



John Hancock,  
Samuel Adams,  
Elbridge Gerry,  
Francis Dana,  
James Lovell,  
Samuel Holten.

} On the part and behalf of the  
state of Massachusetts-Bay.

William Ellery,  
Henry Marchant,  
John Collins.

} On the part and behalf of the  
state of Rhode-Island and Pro-  
vidence Plantations.

Roger Sherman,  
Samuel Huntington,  
Oliver Wolcott,  
Titus Hosmer,  
Andrew Adams.

} On the part and behalf of the  
state of Connecticut.

James Duane,  
Francis Lewis,  
William Duer,  
Gouvr. Morris.

} On the part and behalf of the  
state of New-York.

John Wither Spoon,  
Nathaniel Scudder.

} On the part and behalf of the  
state of New-Jersey, Novem-  
ber 26th, 1778.

Robert Morris,  
Daniel Roberdeau,  
Jon. Bayard Smith,  
William Clingan,  
Joseph Reed, 22d July, 1778.

} On the part and behalf of the  
state of Pennsylvania.

Thos. M'Kean, Feb. 12, 1779.  
John Dickinson, May 5th, 1779.  
Nicholas Van Dyke.

} On the part and behalf of the  
state of Delaware.

John Hanson, March 1st, 1781.  
Daniel Carroll, ditto.

} On the part and behalf of the  
state of Maryland.

Richard Henry Lee,  
John Banister,  
Thomas Adams,  
John Harvie,  
Francis Lightfoot Lee.

} On the part and behalf of the  
state of Virginia.

John Penn, July 21st, 1778.  
Cornelius Harnett,  
Jonathan Williams.

} On the part and behalf of the  
state of North-Carolina.

Henry Laurens,  
William Henry Drayton,  
Jonathan Matthews,  
Richard Hutson,  
Thomas Heyward, jun.

} On the part and behalf of the  
state of South-Carolina.



John Walton, 24th July, 1778. } On the part and behalf of the  
Edward Telfair, } state of Georgia.  
Edward Langworthy.

*The United States in Congress assembled, March 2, 1781.*

The ratification of the articles of confederation being yesterday completed by the accession of the state of Maryland :

The United States met in Congress, when the following members appeared :

His excellency Samuel Huntington, delegate for Connecticut, president.

New-Hampshire,	{ Mr. John Sullivan,
	{ Mr. Samuel Adams,
Massachusetts,	{ Mr. James Lovell,
	{ Mr. Artemas Ward.
Rhode-Island and Providence Plantations,	{ Mr. James Mitchel Varnum.
Connecticut,	{ Mr. Jesse Root,
	{ Mr. Oliver Wolcott.
New-York,	{ Mr. James Duane,
	{ Mr. William Floyd.
New-Jersey,	{ Mr. John Witherspoon,
	{ Mr. Abraham Clark.
Pennsylvania,	{ Mr. Samuel J. Atlee,
	{ Mr. Henry Wynkoop,
	{ Mr. Thomas Smith.
Delaware,	{ Mr. Thomas Rodney,
	{ Mr. Thomas M'Kean.
Maryland,	{ Mr. John Hanson,
	{ Mr. Carroll.
Virginia,	{ Mr. Joseph Jones,
	{ Mr. James Madison,
	{ Mr. Theodorick Bland,
	{ Mr. Meriwether Smith.
North-Carolina,	{ Mr. Thomas Burke,
	{ Mr. William Sharpe,
	{ Mr. Samuel Johnson.
South-Carolina,	{ Mr. John Matthews,
	{ Mr. Thomas Bee,
	{ Mr. Isaac Motte.
Georgia,	{ Mr. George Walton,
	{ Mr. William Few,
	{ Mr. Richard Howly.

CHARLES THOMSON, *Secretary.*

*Ordered,* That Mr. Varnum have leave of absence.

*SATURDAY, March 3, 1781.*

Mr. Clymer, a delegate for the state of Pennsylvania, attended, and took his seat.

The report of the committee on the letter of the 26th February,  
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from the board of war, respecting the removal of the convention prisoners, was taken into consideration, and thereupon,

*Ordered*, That the convention prisoners, as well in the state of Maryland as Virginia, be removed; the British to York-town, and the Germans to Lancaster, in the state of Pennsylvania; or such other place or places within the said state as the executive thereof shall direct: and that it be, and hereby is recommended to the executive of the state of Virginia, to superintend the removal, safe keeping and supply of the Germans to Noland's-Ferry, on Patomack-river; from which place it is recommended to the executive of the state of Maryland to superintend their removal, safe keeping and supply to the borders of that state, and to continue their guard to Lancaster, the state of Pennsylvania furnishing the necessary supplies; that it be, and it is also recommended to the state of Maryland to provide a guard, and furnish the supplies for the convention prisoners to be removed from Frederick-town to York-town, the guard to continue on to York-town, but the supplies after entering Pennsylvania, to be furnished by that state: that the executive of the state of Pennsylvania, be, and hereby is requested to order the supplies agreeably to the above resolutions, and make the necessary preparations for the reception of prisoners at the towns or places assigned as aforesaid; and upon their arrival at those places respectively, the board of war take order for their future security and supply.

The report of the committee on the letter of the 28th of February from Dr. W. Burnet, was taken into consideration; whereupon,

*Ordered*, That Dr. James Craik, chief hospital-physician and surgeon, be, and he is hereby appointed chief physician and surgeon of the army, in the room of Dr. J. Cochran, elected director of the hospital; and that Monday next be assigned for electing a chief hospital-physician and surgeon, in the room of Dr. Craik, removed to the army.

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*MONDAY, March 5, 1781.*

A report of the board of war, on a letter from N. Barber, commissary of military-stores at Boston, was read, representing his desire to resign; whereupon,

*Resolved*, That the resignation of Nathaniel Barber, commissary of military-stores, at Boston, in the state of Massachusetts, be accepted:

That N. Barber be entitled to receive a similar allowance for past services, with other officers of the like station in the department of military-stores:

That it be, and hereby is recommended to the executive of the state of Massachusetts, to advance to Nathaniel Barber on account, 202 dollars, in bills of the new emission, being three months' pay, and charge the same to the United States of America.

According to the order of the day, Congress proceeded to the election of a chief physician and surgeon of the hospitals, in the room of Dr. Craik, removed to the army; and, the ballots taken,

Dr. William Burnet was elected, having been previously nominated by Mr. Wither Spoon.



*TUESDAY, March 6, 1781.*

In pursuance of the order of the 9th of February last, the board of treasury laid before Congress "a state of the arrearages of the public taxes previous to the resolution of the 18th March, 1780, and the quotas of the respective states in consequence of that resolution;" together with a report respecting the same:

*Ordered,* That the same be referred to a committee of the whole.

On motion of Mr. Duane, seconded by Mr. Root,

*Ordered,* That the board of treasury report to the United States in Congress assembled, the commissioners of the loan-offices in the several states who have neglected to make proper returns to the board of treasury, agreeably to orders given them for that purpose.

On motion of the delegates for the state of Delaware,

*Resolved,* That Samuel Patterson and John Thompson, Esqrs; be appointed commissioners on the part of the United States of America, either of them to endorse the bills that shall be emitted by the state of Delaware, pursuant to the act of Congress of the 18th March, 1780.

On motion of Mr. Root, seconded by Mr. Matthews,

*Ordered,* That Tuesday, Thursday and Saturday, in every week, be assigned for the subject of finance, until the United States in Congress assembled, shall have come to a final decision on that subject; and that on those days the business be entered on immediately after reading the journal.

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*WEDNESDAY, March 7, 1781.*

Whereas the board of war have represented, "that it hath been too much a practice of the commanding-officers of regiments, to send their officers to this place on commands that are out of the line of their duty, which is not only expensive to the public and the officers, but appears to the board altogether unnecessary:"

*Resolved,* That the board be informed the United States in Congress assembled, highly disapprove such practice; and that the board take measures not only to discourage it in future, but that all such officers join their respective corps immediately.

A letter, of 6th, from the board of war, was read, enclosing a letter of 20th May, 1780, from Messrs. Penet & Co. whereby it appears that the contract entered into with them for the manufacturing of arms, is entirely at an end, from a failure on their part.

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*FRIDAY, March 9, 1781.*

On the report of a committee, consisting of Mr. Burke, Mr. Varnum and Mr. Bee, to whom were referred sundry letters from major-general Greene and brigadier-general Morgan, the following resolutions were passed:

The United States in Congress assembled, considering it as a tribute due to distinguished merit to give a public approbation of the conduct of brigadier-general Morgan, and of the officers and men under his command, on the 17th day of January last; when with 80 cavalry and 237 infantry of the troops of the United States, and 553 militia from the states of Virginia, North-Carolina, South-Carolina and Georgia, he obtained a complete and important victory over a select and



well appointed detachment of more than 1100 British troops, commanded by lieutenant-colonel Tarleton; do therefore resolve:

That the thanks of the United States in Congress assembled, be given to brigadier-general Morgan and the officers and men under his command, for their fortitude and good conduct, displayed in the action at the Cowpens, in the state of South-Carolina, on the 17th day of January last:

That a medal of gold be presented to brigadier-general Morgan, and a medal of silver to lieutenant-colonel Washington, of the cavalry, and one of silver to lieutenant-colonel Howard, of the infantry of the United States; severally with emblems and mottos descriptive of the conduct of those officers respectively on that memorable day:

That a sword be presented to colonel Pickens, of the militia, in testimony of his spirited conduct in the action before-mentioned:

That major Edward Giles, aid-de-camp of brigadier-general Morgan, have the brevet commission of major; and that baron de Glasbeech, who served with brigadier-general Morgan as a volunteer, have the brevet commission of captain in the army of the United States; in consideration of their merit and services.

*Ordered*, That the commanding-officer in the southern-department, communicate these resolutions in general orders.

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*SATURDAY, March 10, 1781.*

On motion of Mr. Duane, seconded by Mr. Matthews,

*Resolved*, That for the more convenient support of the household of the president of Congress, the steward lay before the board of treasury, or superintendant of finance, an estimate of the expenses of the said household once every quarter, which being approved by the treasury or superintendant of finance, a warrant shall issue, by authority of the said board, or superintendant on the treasurer of the United States, or any one of the commissioners of the continental loan-offices, for the amount, payable to the steward of the president's household, for which advances the said steward shall account quarterly; and the auditor-general shall half-yearly lay before Congress an account of the expenditures of the said household.

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*MONDAY, March 12, 1781.*

A letter, of the 8th, from John Nicholson, a clerk in the chamber of accounts, was read, desiring leave to resign his office, as he is appointed one of the auditors for settling the accounts of the troops of the Pennsylvania line:

*Ordered*, That his resignation be accepted.

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*THURSDAY, March 15, 1781.*

A letter, of 8th, from the governor of Connecticut, was read, enclosing an act passed by the legislature of that state, vesting in Congress for a limited time, a power to levy and collect duties and imposts within that state, for the purposes mentioned in the act of Congress of 7th February:

*Ordered*, That the same be referred to a committee of three:

The members, Mr. Wolcott, Mr. Duane and Mr. Adams.



FRIDAY, March 16, 1781.

A report from the board of war was read; whereupon,

*Ordered*, That the resignation of lieutenant George Jacob, of the 6th Maryland regiment, be accepted.

The board of war, to whom was referred a letter of 26th February, from the governor of Connecticut, delivered in a report; whereupon,

*Ordered*, That governor Trumbull be informed, that although the United States in Congress assembled, would be happy, on all occasions to comply with requests of the executive of the state of Connecticut, they cannot agree to the invalids of that state being stationed therein, consistent with the general benefit of the United States.

On motion, the house was resolved into a committee of the whole, and after some time the president resumed the chair, and Mr. Matthews reported, that the committee have considered farther the reports on finance and other matters referred to them, and have come to sundry resolutions thereon, which he was ordered to report.

The report of the committee of the whole was read, and the same being debated, it was thereupon,

*Resolved*, That all debts now due from the United States, which have been liquidated in specie value, and all debts which have been or shall be made payable in specie, or other money equivalent, shall be actually paid either in specie or other money equal thereto, according to the current exchange between such money and specie.

That it be, and hereby is recommended to the several states, to amend their laws making the bills of credit emitted under the authority of Congress a legal tender, so that such bills shall not be a tender in any other manner than at their current value compared with gold and silver.

On passing this resolution, the yeas and nays being required by Mr. Clark,

New-Hampshire,	Mr. Sullivan,	ay	}	*
Massachusetts,	Mr. Adams,	ay		
	Mr. Lovell,	ay	}	ay
	Mr. Ward,	ay		
Connecticut,	Mr. Huntington,	ay	}	ay
	Mr. Root,	ay		
	Mr. Wolcott,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. Floyd,	ay		
New-Jersey,	Mr. Clark,	no	}	divided.
	Mr. Burnet,	ay		
Pennsylvania,	Mr. Clymer,	ay	}	ay
	Mr. Wynkoop,	ay		
	Mr. T. Smith,	ay		
Delaware,	Mr. McKean,	ay	}	ay
Maryland,	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
Virginia,	Mr. Jones,	ay		
	Mr. Bland,	ay		
	Mr. M. Smith,	ay	}	



<i>North-Carolina,</i>	Mr. <i>Burke,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Sharpe,</i>	<i>ay</i>	
	Mr. <i>Johnson,</i>	<i>ay</i>	
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Bee,</i>	<i>ay</i>	
	Mr. <i>Motte,</i>	<i>ay</i>	
<i>Georgia,</i>	Mr. <i>Few,</i>	<i>ay</i>	> *

So it was resolved in the affirmative.

*Resolved,* That the states be immediately called upon to furnish for the public expenses and for carrying on the war, their proportion of 1,500,000 dollars quarterly, the first quarterly payment to be made on the first day of June next.

That in discharge of this requisition, as well as those made by Congress on the 26th August, the 4th November and the 15th day of January last, the bills of credit emitted pursuant to the act of Congress of the 18th March, 1780, by what state soever emitted, shall be received at the treasury of the United States, as equal to and in lieu of the like sum of specie; and that interest be computed thereon in favour of the states from whom such bills shall be received, to the time assigned for discharging the several requisitions respectively:

That the respective states make exact returns to the board of war by the first day of June next, of all articles by them supplied, agreeably to the act of Congress of the 25th February, 1780:

That the United States in Congress assembled, will then call upon the deficient states for the full amount of their deficiencies, in value to be paid into the treasury of the United States by the first day of September, 1781.

*Ordered,* That a committee consisting of a member from each state be appointed to apportion the quota of the above-mentioned sum of 1,500,000 dollars to be paid quarterly by the states:

The membes, Mr. Sullivan, Mr. Lovell, Mr. Varnum, Mr. Root, Mr. Floyd, Mr. Burnet, Mr. Clymer, Mr. M'Kean, Mr. Hanson, Mr. M. Smith, Mr. Burke, Mr. Bee, Mr. Few.

—•—  
*MONDAY, March 19, 1781.*

A letter, of this day, from brigadier A. Wayne, was read; whereupon,

*Resolved,* That it be, and hereby is recommended to the supreme executive council of the state of Pennsylvania, to forward the march of their line in detachments, with all-possible expedition to join the southern army.

The report of the medical-committee on the memorial of Dr. John Bartlett, late physician and surgeon-general of the army in the northern-department, was taken into consideration; and it appearing,

That Dr. J. Bartlett, at his own request, and with the consent of the commanding-officer of the department, and the deputy director and other officers thereunto belonging, left the service to which he was appointed, in a manner which clearly indicated his intention of relinquishing his office; and having received pay for all the time he spent with the army, and six months while he was at home, he cannot be entitled to any farther pay or allowance.



On the report of the board of war,

*Resolved*, That captain Bentalou be considered as retiring from service under the resolutions of the 3d and 21st October, 1780, and entitled to the emoluments arising therefrom.

The report of a committee, consisting of Mr. M'Dougall, Mr. Atlee, Mr. Sullivan, to whom were referred the report of the board of treasury, and a memorial of John Patton and others, iron masters, was taken up; and it being therein recommended,

That bills of exchange be drawn, under the direction of the board of treasury, on the minister plenipotentiary of the United States, at the court of Versailles, at six months sight, for 55,333  $\frac{1}{3}$  dollars, at  $\frac{4}{6}$  the dollar, to be paid to the board of war, to enable them to fulfil their contract for shot and shells.

On the question to agree to this, the yeas and nays being required by Mr. Burke,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Adams,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay
	Mr. Ward,	ay	
<i>Connecticut,</i>	Mr. Huntington,	no	} no
	Mr. Root,	no	
	Mr. Wolcott,	ay	
<i>New-York,</i>	Mr. Duane,	ay	} ay
	Mr. Floyd,	ay	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Clymer,	ay	
	Mr. T. Smith,	ay	
<i>Maryland,</i>	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Bland,	no	
	Mr. M. Smith,	ay	
<i>North-Carolina,</i>	Mr. Burke,	no	} ay
	Mr. Sharpe,	ay	
	Mr. Johnson,	ay	
<i>South-Carolina,</i>	Mr. Matthews,	ay	} ay
	Mr. Motte,	ay	
<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Mr. Howly,	ay	

*TUESDAY, March 20, 1781.*

On report of a committee consisting of Mr. Duane, Mr. Root, Mr. Madison, appointed to prepare a recommendation to these states, to set apart a day of humiliation and prayer:

The United States in Congress assembled, agreed to the following proclamation:

At all times it is our duty to acknowledge the over-ruling Providence of the Great Governor of the universe, and devoutly to implore his divine favour and protection. But in the hour of calamity and impending danger, when by fire and the sword, by the savages of the



wildernefs, and by our own domestics, a vindictive enemy purfues a war of rapine and devaftation, with unrelenting fury, we are peculiarly excited, with true penitence of heart, to prostrate ourfelves before our great Creator, and fervently to fupplicate his gracious interpoftion for our deliverance.

The United States in Congress affembled, therefore do earneftly recommend, that Thursday the third of May next, may be obferved as a day of humiliation, fafting and prayer, that we may, with united hearts, confeß and bewail our manifold fins and tranfgreffions, and by fincere repentance and amendment of life, appeafe his righteous difpleafure, and through the merits of our bleffed faviour, obtain pardon and forgiveness: that it pleafe him, to infpire our rulers with incorruptible integrity, and to direct and prosper their councils: to infpire all our citizens with a fervent and difinterefted love of their country, and to preferve and ftrengthen their union: to turn the hearts of the difaffected, or to fruftrate their devices: to regard with divine compaffion our friends in captivity, affliction and diftreß, to comfort and relieve them under their fufferings, and to change their mourning into grateful fongs of triumph: that it may pleafe him to bleß our ally, and to render the connexion formed between thefe United States and his kingdoms a mutual and lafting benefit to both nations: to animate our officers and forces by fea and land with invincible fortitude, and to guard and protect them in the day of battle, and to crown our joint endeavours for terminating the calamities of war with victory and fucceß: that the bleffings of liberty and peace may be eftablifhed on an honorable and permanent bafis, and tranfmitted inviolate to the lateft pofterity: that it may pleafe him to prosper our husbandry and commerce, and bleß us with health and plenty: that it may pleafe him to bleß all fchools and feminaries of learning, and to grant that truth, juftice and benevolence, and pure and undefiled religion, may univerfally prevail.

And it is recommended to all the people of thefe ftates, to affemble for public worfhip, and abftain from labour on the faid day.

There being no entry made on the journal after the yeas and nays taken yefterd, to fhew in what manner the queftion was decided; it being alleged that the report upon which the queftion was taken, involved a point for the determination of which the affent of nine ftates was neceßary; it was moved that immediately after the yeas and nays taken yefterd, he entered the following words, "fo it was refolved in the affirmative."

On the queftion to agree to this, the yeas and nays being required by Mr. Burke,

<i>Massachusetts,</i>	Mr. Adams,	no	} no
	Mr. Lovell,	no	
	Mr. Ward,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
<i>Connecticut,</i>	Mr. Huntington,	ay	
	Mr. Root,	ay	
	Mr. Wolcott,	no	} ay
<i>New-York,</i>	Mr. Duane,	ay	
	Mr. Floyd,	ay	



<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Clymer,</i>	<i>no</i>		
	Mr. <i>T. Smith,</i>	<i>no</i>		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Carroll,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Bland,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>M. Smith,</i>	<i>no</i>		
<i>North-Carolina,</i>	Mr. <i>Burke,</i>	<i>no</i>	}	<i>divided.</i>
	Mr. <i>Sbarpe,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Motte,</i>	<i>no</i>		
<i>Georgia.</i>	Mr. <i>Walton,</i>	<i>ay</i>	}	<i>no</i>
	Mr. <i>Few,</i>	<i>no</i>		
	Mr. <i>Howly,</i>	<i>no</i>		

So it passed in the negative.

A letter, of the 13th, from R. Morris, was taken into consideration, when a motion was made by Mr. Burke, seconded by Mr. Matthews,

That Congress do not require Mr. Morris to dissolve any commercial connection which he shall have formed previous to his taking upon him the office of superintendant of the finances of the United States of America :

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>New-Hampshire,</i>	Mr. <i>Sullivan,</i>	<i>no</i>	}	*
	Mr. <i>Adams,</i>	<i>no</i>		
<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	<i>ay</i>	}	<i>no</i>
	Mr. <i>Ward,</i>	<i>no</i>		
	Mr. <i>Huntington,</i>	<i>no</i>		
<i>Connecticut,</i>	Mr. <i>Root,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Wolcott,</i>	<i>ay</i>		
	Mr. <i>Duane,</i>	<i>ay</i>		
<i>New-York,</i>	Mr. <i>Floyd,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Montgomery,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Clymer,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>T. Smith,</i>	<i>ay</i>		
	Mr. <i>Hanson,</i>	<i>no</i>		
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Jones,</i>	<i>ay</i>		
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bland,</i>	<i>no</i>		
	Mr. <i>M. Smith,</i>	<i>ay</i>		
<i>North-Carolina,</i>	Mr. <i>Burke,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Sbarpe,</i>	<i>ay</i>		
	Mr. <i>Johnson,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bee,</i>	<i>ay</i>		
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Few,</i>	<i>ay</i>		
	Mr. <i>Howly,</i>	<i>ay</i>		

So the question was lost.



A motion was then made by Mr. Duane, seconded by Mr. Matthews, as follows :

The following paragraph from the letter from R. Morris, lately elected superintendant of finance, was considered, viz.

“ I am to inform Congress that the preparatory steps I had taken towards procuring myself relaxation from business, with least injury to the interests of my family, were by engaging in certain commercial establishments with persons in whom I had perfect confidence, as to their integrity, honor and abilities. These establishments I am bound in honour and by contracts to support, to the extent agreed on : if therefore it be in the idea of Congress, that the office of superintendant of finance is incompatible with commercial concerns and connexions, the point is settled ; for I cannot, on any consideration, consent to violate engagements or depart from those principles of honor which it is my pride to be governed by. If, on the contrary, Congress have elected me to this office, under the expectation that my mercantile connexions and engagements were to continue, an express declaration of their sentiments should appear on their minutes, that no doubt may arise or reflexions be cast on this score hereafter.

*Resolved*, That the United States in Congress assembled do not require Mr. Morris to dissolve the commercial connexions referred to in the said paragraph.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	}	*
<i>Massachusetts,</i>	Mr. Adams,	no		
	Mr. Lovell,	ay	}	no
	Mr. Ward,	no		
<i>Connecticut,</i>	Mr. Huntington,	no	}	no
	Mr. Root,	no		
	Mr. Wolcott,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	ay		
	Mr. Floyd,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Montgomery,	ay		
	Mr. Clymer,	ay	}	ay
	Mr. T. Smith,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	no	}	ay
	Mr. M. Smith,	ay		
<i>North-Carolina,</i>	Mr. Burke,	ay	}	ay
	Mr. Sharpe,	ay		
	Mr. Johnson,	ay	}	ay
<i>South-Carolina,</i>	Mr. Matthews,	ay		
	Mr. Bee,	ay	}	ay
<i>Georgia,</i>	Mr. Walton,	ay		
	Mr. Few,	ay	}	ay
	Mr. Howly,	ay		



So it was resolved in the affirmative.

WEDNESDAY, March 21, 1781.

Mr. Houston, a delegate for the state of New-Jersey, and Mr. Vandyke, a delegate for the state of Delaware, attended, and took their seats.

The consideration of the letter of the 13th, from Mr. R. Morris being resumed, a motion was made by Mr. Matthews, seconded by Mr. Burke,

That the superintendant of finance be, and he is hereby empowered to appoint and remove at his pleasure, his assistants in his peculiar office or chamber of business in immediate connexion with him; it being first determined by the United States in Congress assembled, that such assistants so to be appointed, are necessary, and what the salary of each shall be.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

New-Hampshire,	Mr. Sullivan,	ay	}	*
Massachusetts,	Mr. Adams,	no		
	Mr. Ward,	no	}	no
Connecticut,	Mr. Huntington,	ay		
	Mr. Root,	ay	}	ay
	Mr. Wolcott,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. Floyd,	ay		
New-Jersey,	Mr. Clark,	no	}	divided.
	Mr. Houston,	ay		
Pennsylvania,	Mr. Montgomery,	ay	}	ay
	Mr. Clymer,	ay		
Delaware,	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Vandyke,	ay		
Maryland,	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
Virginia,	Mr. Madison,	ay	}	ay
	Mr. Bland,	no		
	Mr. M. Smith,	ay	}	ay
North-Carolina,	Mr. Burke,	ay		
	Mr. Sharpe,	ay	}	ay
	Mr. Johnson,	ay		
South-Carolina,	Mr. Matthews,	ay	}	ay
	Mr. Motte,	ay		
Georgia,	Mr. Few,	ay	}	ay
	Mr. Howly,	ay		

It was resolved in the affirmative.

Ordered, That the remainder of Mr. Morris's letter be referred to a committee of three:

The members, Mr. Houston, Mr. Burke, Mr. Wolcott.

THURSDAY, March 22, 1781.

On a report of the medical-committee, it was resolved as follows:

Whereas the late regulations for conducting the medical-depart-



ment and military hospitals, passed the 30th day of September last, and amended by several subsequent acts of Congress, extend no further southward than to include the state of Virginia ; and whereas the present operations of the war to the southward, make it necessary that the hospital-department, in that district, be rendered as uniform to that in the northern army as circumstances will permit, that no inconveniences may arise to the army in general from different and opposite systems, as its operations may eventually be interchangeable from one district to another in a short space of time ; therefore,

*Resolved*, That there be one deputy director of the military hospitals, who shall, in the absence of the director, have the general controul and management of all the military hospitals that are or may be established under the orders of the commander of the southern army for the time being.

When the foregoing resolution was under debate, a motion was made by Mr. Matthews, seconded by Mr. Bee, after the words " the director," to insert " for the southern army ;" and on the question, shall those words be inserted? the yeas and nays being required by Mr. Bee,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	}	no
<i>Massachusetts,</i>	Mr. Adams,	no		
	Mr. Ward,	no		
<i>Rhode-Island,</i>	Mr. Varnum,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	no		
	Mr. Root,	no		
<i>New-York,</i>	Mr. Duane,	no	}	no
	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Houston,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. M'Kean,	no	}	no
	Mr. Vandyke,	no		
<i>Maryland,</i>	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. Jones,	no	}	no
	Mr. Bland,	no		
	Mr. Smith,	no		
<i>North-Carolina,</i>	Mr. Burke,	no	}	no
	Mr. Sharpe,	no		
	Mr. Johnson,	no		
<i>South-Carolina,</i>	Mr. Matthews,	ay	}	ay
	Mr. Bee,	ay		
	Mr. Motte,	ay		
<i>Georgia,</i>	Mr. Howly,	no	}	no

So it passed in the negative.

*Resolved*, That for the army aforesaid, there shall be one chief physician of the hospital, who shall also be a surgeon ; one chief physician to the said army, who shall also be a surgeon ; two hospital physicians, who shall also be surgeons ; and four surgeon's mates for the hospitals ; one deputy purveyor with an assistant, one deputy apothecary with an assistant ; and to each hospital, a steward, matron, orderly men and nur-



ses, as is directed in the arrangement of the hospital, passed the 30th day of September aforesaid :

That the deputy director, deputy purveyor and deputy apothecary, have and exercise the same powers which are exercised by the director, purveyor and apothecary respectively, agreeably to the arrangement above-mentioned :

That the pay of the deputy director be 140 dollars per month, that of the deputy purveyor and deputy apothecary, each 120 dollars per month ; and they shall severally be entitled to the same emoluments, and subject to the same regulations and restrictions as their respective principals are entitled or subjected to by the above-mentioned arrangement and the amendments thereto :

That all the other officers of the hospital and medical-staff for the southern army, exercise the powers, perform the same duties, receive the same pay and emoluments, and be subject to the regulations and restrictions laid down in the aforesaid arrangement for officers of like description :

Provided nevertheless, that the powers therein directed to be exercised by the director, and any two chief physicians and surgeons of the hospital, shall, in the absence of the deputy director, be vested in and exercised by the next officer in the hospital department for the southern army, and so on in succession, in conjunction with the two next seniors.

*Ordered*, That Monday next be assigned for the election of the officers in the hospital department for the southern army.

The committee, to whom was referred " The act of the legislature of the state of Connecticut, vesting in Congress, for a limited time, a power to levy and collect duties for the purposes mentioned in the act of Congress of the 3d day of February last ;" report,

That it appears by an estimate reported to Congress, that upon loan-office certificates and other loans made for the use of the public, an annual interest arises of more than one million of dollars :

That the said debts being contracted on the faith and for the defence of the United States, and Congress having no means to discharge either the principal or interest, justice, good faith and the honour of the confederacy, require that certain adequate and permanent funds should be provided by the respective states, and appropriated for the satisfaction of the public-creditors and for supporting the war :

That, upon mature deliberation, it was the unanimous opinion of Congress, that a duty on imports and prizes would be most equal throughout the United States, and least burthensome to our citizens :

That Congress, therefore, recommended it to the respective states, as indispensably necessary, to vest a power in Congress to levy the duty on imports and prizes, mentioned in their act of 3d February last ; and that the said duties should be continued until the principal and interest of the debts already contracted, or which might be contracted, on the faith of the United States, for supporting the present war, should be fully and finally discharged :

That in the opinion of the committee, the proviso at the close of the act of the legislature of Connecticut, will defeat the good intentions of the said requisition, which aims at giving the public creditors, who have vested or shall vest their property in the funds, a substantial and



adequate security which shall operate until their debts are fully satisfied :

That from the estimates laid before Congress, the produce of the duty on imports and prizes will, during the war, fall greatly short of the annual interest, even of the loan-office certificates ; and will, in the opinion of the committee, justly alarm those who have lent their money to the public, if the funds so to be assigned, should be limited for a short or any period, which will not afford them reasonable security, and continue in force until the debts due to them are faithfully discharged ; whereupon,

*Resolved*, By the United States in Congress assembled, That it be, and hereby is earnestly recommended to the legislature of the state of Connecticut, to revise the above-mentioned law, and to alter and amend it agreeably to the requisition in the act of Congress of the 3d day of February last, to wit :

That the proposed duties on imports and prizes shall be continued until the principal and interest of debts already contracted on the faith of these United States, for the support of the present war, shall be fully and finally discharged.

FRIDAY, March 23, 1781.

A report of the committee for apportioning the quotas of the states, was taken into consideration ; and, thereupon,

*Resolved*, That the quota of 1,500,000 dollars, called for by act of 16th, be as follows :

New-Hampshire,	46,080 $\frac{3}{4}$	four quarterly payments,	184,323
Massachusetts,	264,965 $\frac{3}{4}$	-	1,059,863
Rhode-Island,	29,146 $\frac{1}{4}$	-	116,585
Connecticut,	195,844 $\frac{1}{4}$	-	783,377
New-York,	43,200 $\frac{3}{4}$	-	172,803
New-Jersey,	103,682	-	414,728
Pennsylvania,	264,965 $\frac{3}{4}$	-	1,059,863
Delaware,	24,480 $\frac{1}{4}$	-	97,921
Maryland,	182,026 $\frac{3}{4}$	-	728,107
Virginia,	288,006 $\frac{1}{2}$	-	1,152,026
North-Carolina,	57,601	-	230,404
	<hr/> 1,500,000		<hr/> 6,000,000

*Resolved*, That the sums assessed shall not be considered as the proportion of any state, but being paid into the treasury, shall be placed to their respective credit, bearing an interest of six per cent. per annum, from the time of payment until the quotas shall be finally ascertained, agreeably to the articles of confederation. And if it shall then appear that any state is assessed more than its just quota of the said tax, it shall continue to receive interest on the surplus ; and if less, it shall be charged with the interest on the deficiency, until, by a future tax, such surplus or deficiency shall be properly adjusted.

SATURDAY, March 24, 1781.

The board of war, to whom was referred a motion of Mr. Bland, delivered in a report ; whereupon,



*Resolved*, That the supreme executive of the state of Virginia, be authorized and requested to appoint suitable persons to settle the accounts of colonel Wood, respecting his command in superintending the prisoners under the convention of Saratoga, and, if they think it right, to allow his reasonable travelling expenses between the two posts which he superintends, with those for one servant while on that duty.

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*MONDAY, March 26, 1781.*

A letter, of the 22d of February, from the governor of Virginia was read, with a memorial enclosed from Messrs. Stoddert, Kerr and North; whereupon,

On motion of Mr. Madison, seconded by Mr. M. Smith,

*Ordered*, That authenticated copies of the said memorial, protests and affidavits be transmitted to the hon. John Adams; and that he be instructed to represent the case to which they relate to their high mightinesses the states-general of the United Provinces of the Netherlands, and to claim such redress for the memorialists, as justice and the law of nations require.

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*TUESDAY, March 27, 1781.*

A letter, of this day, from J. Wilkinson, clothier-general, was read, desiring leave to resign.

*Ordered*, That his resignation be accepted.

A letter from the board of treasury was read; whereupon,

*Resolved*, That the board of war be, and they are hereby authorized to receive and examine such accounts as shall be reported to the said board by Joseph Howell, jun. one of the auditors for the main army, during his residence in Philadelphia; and to issue their warrants on the pay-master-general or deputy pay-master, in discharge of such of the accounts aforesaid, as the said board shall judge proper and necessary, in the same manner as the commander in chief or commander of a detachment, having a military-chest, are directed by the ordinance of 30th July, 1779.

The motion of Mr. Madison was again taken into consideration; and, thereupon, the following ordinance was passed.

*An Ordinance relative to the capture and condemnation of Prizes.*

The United States in Congress assembled, taking into consideration the implacable war waged against them by the king of Great-Britain, and judging it inconsistent with their dignity, as a free and independent nation, any longer to continue indulgencies and exemptions to any of the subjects of their enemy, who is obstinately bent upon their destruction or subjugation, have thought it proper to ordain and order, and it is hereby ordained and ordered, that henceforward general reprisals be granted against the ships, goods and subjects of the king of Great-Britain; so that as well the fleets and ships of these United States, as also all other ships and vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled, shall and may lawfully seize all ships, vessels and goods belonging to the king or crown of Great-Britain, or to his subjects, or others inhabiting within any of the territories or possessions



of the aforesaid king of Great-Britain, and bring them to judgment in any of the courts of admiralty, that now are, or hereafter may be established in any of these United States, by the authority of the United States in Congress assembled; and the said courts of admiralty are hereby authorized and required to take cognizance of, and judicially to proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships and goods that are or shall be taken, and to hear and determine the same, and, according to the course of admiralty and the laws of nations, to adjudge and condemn, all such ships, vessels, and goods as shall belong to the king of Great-Britain, or to his subjects, or to any others inhabiting, within any of the countries, territories or dominions, or possessions of the aforesaid king of Great-Britain.

And that the board of admiralty or secretary of marine forthwith prepare, and lay before the United States in Congress assembled, a draught of instructions, for such ships or vessels as shall be commissioned for the purposes above-mentioned.

And it is hereby further ordained, that the destruction of papers, or the possession of double papers, by any captured vessel, shall be deemed and taken as just cause for the condemnation of such captured vessel; and that, when any prize, having been taken and possessed by the enemy twenty-four hours, shall be re-taken from them, the whole of such re-captured prize shall be condemned for the use of the re-captors; but, in cases where the prize shall have continued in the possession of the enemy less than twenty-four hours, it shall be restored to the original owner or owners, except one-third part of the true value thereof, which shall be allowed as salvage to the re-captors.

And it is hereby farther ordained, that the citizens and inhabitants of these United States be, and they hereby are strictly enjoined and required to abstain from all intercourse, correspondence or dealings whatsoever, with the subjects of the said king of Great-Britain, while at open war with these United States, as they will answer the same at their peril; and the executives of the several states are hereby called upon to take the most vigilant and effectual measures for detecting and suppressing such intercourse, correspondence or dealings, and bringing the authors thereof, or those concerned therein, to condign punishment.

And in order the more effectually to remove every colourable pretence for continuing such intercourse, it is hereby ordained, that from and after the first day of November next, no benefit shall be claimed from, nor countenance or regard paid to any letters of passport or safe conduct, heretofore granted by the Congress of the United States, to any of the citizens or inhabitants thereof, or to any person or persons whatever, for the removal of their property or effects from places within the dominions or possessions of the said king of Great-Britain:

Provided always, that this ordinance shall not extend to authorize the capture or condemnation of any vessel belonging to any inhabitant of Bermudas; which, being loaded with salt only, may arrive in any of these United States, on or before the first day of May next.

And it is hereby ordained, that all former acts or resolutions of Congress, contrary to the tenor, true intent and meaning of this ordinance, be, and they are hereby, repealed.

Congress proceeded to the election of a deputy purveyor of the hos-



pital for the southern army ; and, the ballots being taken and counted, Dr. Nathan Brownson was elected, he having been previously nominated by Mr. Adams.

THURSDAY, March 29, 1781.

A report from the board of treasury on the letter of Aaron Levy was read ; whereupon,

*Resolved*, That until the loan-offices of South-Carolina and Georgia be fixed, and public notice thereof given, agreeably to the resolution of Congress of the 3d of August last, the treasurer of the United States be empowered to issue loan-office certificates in discharge of interest that is or shall be due on loan-office certificates issued from either of the loan-offices aforesaid, in the same manner and upon the same principles as certificates for interest are issued from other loan-offices.

A report from the board of war respecting the regiment of artificers was taken into consideration ; and, thereupon,

*Resolved*, That the regiment of artificers, commanded by col. Baldwin, be dissolved ; and those of the non-commissioned officers and privates whose times of service are unexpired, and are now with the main army, be formed into one company, under such officers, and be employed in such way, as the commander in chief shall direct :

That the artificers with the southern army be also formed into one company, under a competent number of officers to be selected by the commanding-general of that army :

That all officers of the regiment of artificers not retained by virtue of these resolutions, be no longer considered in the service of the United States.

*Resolved*, That all the non-commissioned officers and men of the regiment of artillery-artificers at Carlisle, whose times of service are unexpired, be formed into one or more company or companies, and the officers at that place, except captains Wiley and Jordan, be no longer considered in the service of the United States.

FRIDAY, March 30, 1781.

A letter, of this day, from J. Pierce, pay-master-general, was read ; whereupon,

A motion was made by Mr. Matthews, seconded by Mr. Motte, That the honorable assembly of Pennsylvania be requested to appoint a committee of their body to confer with a committee of Congress, on the recommendation of Congress to the several states to amend their laws, making the bills of credit, emitted under the authority of Congress, a legal tender : That a committee of three be now appointed to attend on the said proposed conference.

On the question to agree to this, the yeas and nays being required by Mr. Clymer,

New-Hampshire,	Mr. Sullivan,	ay	} *
Massachusetts,	Mr. Adams,	no	
	Mr. Lovell,	no	
	Mr. Ward,	no	
Rhode-Island,	Mr. Varnum,	no	} *



<i>Connecticut,</i>	Mr. <i>Huntington,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Root,</i>	<i>no</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	}	<i>ay</i>
	Mr. <i>Clymer,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Whynkoop,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>M<sup>c</sup>Kean,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Vandyke,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Hanson,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Carroll,</i>	<i>ay</i>	}	<i>no</i>
	Mr. <i>Madison,</i>	<i>no</i>		
<i>North-Carolina,</i>	Mr. <i>M. Smith,</i>	<i>no</i>	}	<i>ay</i>
	Mr. <i>Burke,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Sharpe,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Johnson,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Matthews,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bee,</i>	<i>ay</i>		
	Mr. <i>Motte,</i>	<i>ay</i>	}	<i>*</i>
	Mr. <i>Few,</i>	<i>no</i>		

So the question was lost.

The report of a committee, consisting of Mr. M. Smith, Mr. Matthews, Mr. Varnum, to whom was referred a letter of the 12th, from major-general M<sup>c</sup>Dougall, was taken into consideration; and the same, after debate, being postponed,

A motion was made by Mr. Bee, seconded by Mr. Sharpe,

That during the time major-general M<sup>c</sup>Dougall shall continue to act as secretary of marine, his pay and emoluments as an officer of the army shall cease; but he shall not thereby be deprived of rank or the privilege of returning to his command whenever Congress or the commander in chief shall think his services necessary in the field.

On the question to agree to this, the yeas and nays being required by Mr. Sharpe,

<i>Massachusetts,</i>	Mr. <i>Adams,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Lovell,</i>	<i>no</i>		
	Mr. <i>Ward,</i>	<i>no</i>		
<i>Connecticut,</i>	Mr. <i>Huntington,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Root,</i>	<i>no</i>		
<i>New-Jersey,</i>	Mr. <i>Witherspoon,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Clark,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	}	<i>ay</i>
	Mr. <i>Clymer,</i>	<i>ay</i>		
	Mr. <i>Wynkoop,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Vandyke,</i>	<i>no</i>	}	<i>*</i>
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Carroll,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Madison,</i>	<i>ay</i>		
<i>North-Carolina,</i>	Mr. <i>M. Smith,</i>	<i>no</i>	}	<i>divided.</i>
	Mr. <i>Burke,</i>	<i>no</i>		
	Mr. <i>Sharpe,</i>	<i>ay</i>		
	Mr. <i>Johnson,</i>	<i>ay</i>	}	<i>ay</i>



<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Bee,</i>	<i>ay</i>		
	Mr. <i>Motte,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>	}	<i>no</i>
	Mr. <i>Few,</i>	<i>no</i>		
	Mr. <i>Howly,</i>	<i>no</i>		

So it passed in the negative.

On motion of Mr. Burke, seconded by Mr. Howly,

*Resolved,* That the United States in Congress assembled, have a due sense of the zeal of major-general M<sup>d</sup>Dougall, for the safety and honor of America, and applaud his magnanimity in declining "to retire from the toils and perils of the field in the present critical condition of the United States in general, and that of New-York in particular:" that they are well convinced of his wishes and disposition to render to the public every service in his power; but as major-general M<sup>d</sup>Dougall, for good reasons, cannot detach himself from his command in the army, and as the duties of the office of secretary of marine, to which he has lately been elected by Congress, may interfere with the execution of military duty, the United States in Congress assembled, do not therefore expect his acceptance of that office.

— \* —

*SATURDAY, March 31, 1781.*

A letter, of the 10th, and one of the 16th, from major-general Greene, were read, the latter giving an account of the action between him and the army under lord Cornwallis, on the 15th;

*Ordered,* That the same be referred to the committee of intelligence.

The report of the committee on the letter of the 13th, from R. Morris, was taken into consideration; and the first paragraph being read, viz.

That the superintendant of finance be, and he hereby is authorized to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, all persons entrusted with and immediately employed in the expenditure of the public money, and also all such as are or shall be, in his judgment, unnecessary; provided that such power of removal from office shall be limited to the duration of the present war.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>Massachusetts,</i>	Mr. <i>Adams,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Ward,</i>	<i>no</i>		
<i>Rhode-Island,</i>	Mr. <i>Varnum,</i>	<i>ay</i>	}	*
	Mr. <i>Huntington,</i>	<i>no</i>		
<i>Connecticut,</i>	Mr. <i>Root,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Witherspoon,</i>	<i>no</i>		
<i>New-Jersey,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	}	divided.
	Mr. <i>Clymer,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>M<sup>d</sup>Kean,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Vandyke,</i>	<i>no</i>		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Carroll,</i>	<i>no</i>		



Virginia,	Mr. Madison,	ay	} no
	Mr. Bland,	no	
	Mr. M. Smith,	no	
North-Carolina,	Mr. Burke,	ay	} ay
	Mr. Johnson,	ay	
South-Carolina,	Mr. Matthews,	ay	} ay
	Mr. Motte,	ay	
Georgia,	Mr. Walton,	ay	} ay
	Mr. Few,	ay	
	Mr. Howly,	no	

So it passed in the negative.

MONDAY, April 2, 1781.

On report of a committee, consisting of Mr. Sullivan, Mr. M<sup>r</sup> Kean and Mr. Houston, to whom was referred a letter of 19th March, from the governor of the state of New-York,

*Resolved*, That the two regiments of militia proposed to be embodied in the state of New-York, to serve till the first day of December next, as mentioned in governor Clinton's letter of the 19th March last, be paid and subsisted while in service, at the general expense, on the same terms as the troops on the continental establishment :

That the two regiments of infantry proposed to be raised in the said state, to serve for three years, as mentioned in the aforesaid letter, be paid, subsisted and clothed while in service, at the general expense, on the same terms as the troops on the continental establishment : provided the said state shall first fill up their quota of troops for the continental army ; and that the regiments, particularly the two last-mentioned, be officered as far as may be by the reduced officers belonging to that state, and that the officers be proportioned to the number of men actually in service.

A report from the board of admiralty was read ; whereupon,

*Ordered*, That the board of admiralty fit the frigate Ariel for sea, with all-convenient dispatch.

TUESDAY, April 3, 1781.

A letter, of the 2d, from Peter R. Fell, one of the commissioners of the chamber of accounts, was read, desiring leave to resign :

*Ordered*, That his resignation be accepted.

WEDNESDAY, April 4, 1781.

On motion of Mr. Madison, seconded by Mr. Sullivan,

*Resolved*, That the president transmit the thanks of the United States in Congress assembled, to the count de Rochambeau, and the chevalier Destouches, commanders of the army and fleet sent by his most Christian majesty to the succour of his allies, for the zeal and vigilance they have, on every occasion, manifested to fulfil the generous intentions of their sovereign and the expectations of these states : that he present their particular thanks to the chevalier Destouches, and the officers and men under his command, for the bravery, firmness and good conduct displayed in the late enterprize against the enemy at



Portsmouth, in Virginia ; in which although the accomplishment of the object was prevented by unforeseen events, the arduous contest so gallantly and advantageously maintained on the 16th of March last, off the Capes of Chesapeake-Bay, against a superior British fleet, does honor to the arms of his most Christian majesty, and is a happy preface of decisive advantages to the United States.

On a report of a committee, consisting of Mr. Duane, Mr. Bee and Mr. Root, to whom was referred a letter of the 12th of March, from Charles Pettit :

*Resolved*, That no interest be computed on the money emitted pursuant to the act of the 18th March, 1780, at the time of issuing the same from the loan-offices, or when any officer of the United States shall make payments therewith for supplies or in discharge of public debts.

THURSDAY, April 5, 1781.

A letter, of the 31st March, from general Washington, was read ; whereupon,

On motion of Mr. Matthews, seconded by Mr. Sharpe,

*Resolved*, That the United States in Congress assembled, approve of the reasons given by the commander in chief, for not exchanging lieutenant-colonel Hill for lieutenant-colonel du Buysson.

A letter, of the 23d of March, from the governor of the state of New-York, was read, enclosing a copy of an act authorizing Congress to levy a duty on foreign merchandize imported into that state.

A letter, of February 16th, from Egbert Benson, was read, signifying his acceptance of the office of procurator in the state of N. York.

Agreeable to the order of the day, the report of the committee appointed " to devise and report the mode for appointing courts for the trial of piracies and felonies committed on the high seas," was taken into consideration ; and, thereupon,

The United States, in Congress assembled, agreed to the following :

*Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas.*

Whereas by the ninth article of the confederation and perpetual union of the Thirteen United States of America, it is agreed, that the United States in Congress assembled, shall have the sole and exclusive right and power (inter alia) of appointing courts for the trial of piracies and felonies committed on the high seas. And, whereas it is expedient that such courts should be speedily erected, and it is reasonable that the same mode of trial should be adopted for offenders of this kind on the high seas as is used for offenders of the like sort upon the land.

Be it therefore ordained, and it is hereby ordained by the United States of America in Congress assembled, and by the authority of the same, that all and every person and persons who heretofore have committed, or who hereafter shall commit, any piracy or felony upon the high seas, or who shall be charged as accessaries to the same, either before or after the fact, may and shall be enquired of, tried and judged by grand and petit juries, according to the course of the common law, in like manner as if the piracy or felony were committed upon the land, and within

+ The original ordinance certified by Charles Thompson & Sam Huntington, is in the possession of Peter Force. I saw it June 6. 1853. F. D. I.



some country, district or precinct in one of these United States, the justices of the supreme or superior court of judicature, and judge of the court of admiralty of the several and respective states, or any two or more of them, are hereby constituted and appointed judges for hearing and trying such offenders.

And be it further ordained, that if any person or persons shall be indicted for any piracy or felony done, or hereafter to be done, upon the high seas, or as accessaries before or after the fact, either on the land or upon the seas, by a grand jury for any county, district, or precinct within any of these United States, before the justices of the supreme or superior court and judge of the admiralty, or any two of them, that then such order, process, judgment and execution shall be used, had, done and made to and against every such person and persons, so being indicted, as against robbers, murderers, or other felons for robbery, murder, or other felony done upon the land within such county, district, or precinct, as by the laws of the said state is accustomed; and the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men of the said county, district, or precinct; and such as shall be convicted of any such offence or offences, by verdict, confession, or otherwise, in the said court, shall have and suffer such pains of death, losses of lands, goods and chattels, or other punishment, and by the same authority as if they had been convicted and attainted of any robbery, felony or other the said offences done upon land; and shall be utterly excluded the benefit of clergy where the same is taken away or not admitted for such like offences committed within the body of a county, or on land where such trial shall be had.

And be it further ordained, that if there shall be more than one judge of the admiralty in any of the United States, that then, and in such case, the supreme executive power of such state may and shall commissionate one of them exclusively to join in performing the duties required by this ordinance.

And be it further ordained, that all losses and forfeitures of lands, goods and chattels, incurred upon any such conviction and attainder, shall go and belong to the state in which the said conviction and attainder shall be had.

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*FRIDAY, April 6, 1781.*

A motion was made by Mr. Matthews, seconded by Mr. M'Kean, That Congress will proceed immediately to the consideration of the present state of affairs of these United States, in order that full information may be obtained thereon, and such measures adopted, as, in the opinion of Congress, shall appear best calculated effectually to prosecute the war against the enemies of these United States; to satisfy the creditors thereof, and restore the public credit: that for this purpose all public dispatches, the reports of the board of war, treasury and admiralty (except such as the president, or a committee to be appointed for that purpose, shall, from time to time, inform Congress, require their immediate attention) be suspended until Congress shall have perfected such enquiry and taken the necessary measures in consequence thereof.



On a motion to postpone the consideration of the foregoing motion, the yeas and nays being required by Mr. Matthews,

<i>Massachusetts,</i>	Mr. Adams,	no	}	no
	Mr. Lovell,	no		
<i>Connecticut,</i>	Mr. Huntington,	no	}	no
	Mr. Root,	no		
	Mr. Wolcott,	no		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	no
	Mr. Clark,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Wynkoop,	no		
<i>Delaware,</i>	Mr. M <sup>r</sup> . Kean,	no	}	no
	Mr. Vandyke,	no		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Bland,	no	}	no
	Mr. M <sup>r</sup> . Smith,	no		
<i>North-Carolina,</i>	Mr. Burke,	ay	}	ay
	Mr. Johnson,	ay		
<i>South-Carolina,</i>	Mr. Matthews,	no	}	no
	Mr. Motte,	no		
<i>Georgia,</i>	Mr. Walton,	no	}	no
	Mr. Few,	no		

So it passed in the negative.

After debate, the motion being amended, it was

*Resolved*, That the house be resolved into a committee of the whole, at 12 o'clock on each day, to take into consideration the present state of public affairs, in order to devise further measures effectually to prosecute the war against the enemies of these United States, to satisfy the creditors thereof, and to restore the public credit.

SATURDAY, April 7, 1781.

A report from the board of war was read; whereupon,

*Ordered*, That the resignation of lieutenant Patterson, of colonel Proctor's regiment of artillery, be accepted.

On a report of a committee, consisting of Mr. Varnum, Mr. Bee and Mr. Vandyke, to whom was referred the draft of instructions to the captains of private armed vessels, reported by the board of admiralty:

Be it ordained, and it is hereby ordained, by the United States in Congress assembled, that the following instructions be observed by the captains or commanders of private armed vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled:

1st. You may by force of arms attack, subdue and seize all ships, vessels and goods, belonging to the king or crown of Great-Britain, or to his subjects, or others inhabiting within any of the territories or possessions of the aforesaid king of Great-Britain, on the high seas, or between high-water and low-water marks. And you may also annoy the enemy by all means in your power, by land as well as by water, ta-



king care not to infringe or violate the laws of nations, or laws of neutrality.

2d. You are to pay a sacred regard to the rights of neutral powers, and the usage and customs of civilized nations ; and on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States ; except they are employed in carrying contraband goods or soldiers to our enemies ; and in such case you are to conform to the stipulations contained in the treaties subsisting between such princes or powers and these states : and you are not to capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations, or princes, under the pains and penalties expressed in a proclamation issued by the Congress of the United States, the ninth day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

3d. You shall permit all neutral vessels freely to navigate on the high seas, or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

4th. You shall not seize or capture any effects belonging to the subjects of the belligerent powers on board neutral vessels, excepting contraband goods ; and you are carefully to observe, that the term contraband is confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the sixth day of February, 1778, between these United States and his most Christian majesty, namely : arms, great guns, bombs, with their fuses and other things belonging to them ; cannon-balls, gun-powder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other war-like instruments whatever.

5th. You shall bring all such ships and vessels as you shall seize or capture, with their guns, rigging, tackle, apparel and furniture, and lading, to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States, in any court authorized by his most Christian majesty, or any other power in alliance with these United States, to take cognizance of captures and seizures made by the private armed vessels of these states, and to judicially hear and determine thereon.

6th. You shall send the master or pilot and one or more principal person of the company of every ship or vessel by you taken, in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be pronounced, touching the interest or property of the ship or vessel and her lading ; and at the same time you shall deliver or cause to be delivered to the judge or judges, all passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

7th. You shall keep and preserve every ship or vessel and cargo by



you taken, until they shall, by sentence of a court properly authorized, be adjudged lawful prize, or acquitted; not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

8th. If any of your officers or crew, shall in cold blood, kill or maim, or by torture or otherwise, cruelly, inhumanly, and contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

9th. You shall, by all convenient opportunities, send to the board of admiralty or secretary of marine, written accounts of the captures you shall make, with the numbers and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

10th. One-third at least of your whole company shall be landsmen.

11th. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port; and if from necessity you shall be obliged to dismiss any prisoners at sea, you shall on your return from your cruize, make report thereof on oath to the judge of the admiralty of the state to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal; and you are to deliver at your expense or at the expense of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county gaol.

12th. You shall observe all such further instructions as shall hereafter be given by the United States in Congress assembled, when you shall have notice thereof.

13th. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved, for damages sustained by such malversation.

*Ordered*, That the board of admiralty report, as soon as may be, proper regulations for the conducting and governing the vessels of war of the United States and other armed vessels.

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TUESDAY, April 10, 1781.

On motion of Mr. Adams, seconded by Mr. Madison,

*Resolved*, That the commander in chief be, and he is hereby authorized to employ an additional confidential secretary, and as many writers as he shall judge proper, to arrange and register the public letters and other documents in the office at head-quarters; and to assign such salaries for their respective services, as he shall think reasonable.

On motion of Mr. Varnum, seconded by Mr. Motte,

*Ordered*, That no more of the bills heretofore drawn on the ministers plenipotentiary of these United States in Europe (except those appropriated for the use of the southern army, and those appropriated and lodged in the hands of the board of war) be sold without special



direction from the United States in Congress assembled ; and that the board of treasury give orders accordingly.

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THURSDAY, April 12, 1781.

Ordered, That Mr. Burke and Mr. Adams have leave of absence.

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FRIDAY, April 13, 1781.

A report of the board of war was read ; whereupon,

*Resolved*, That the commander in chief transmit to the executives of the several states, lists of the names of all the new levies belonging to each state respectively, specifying their times of service and the sums due to them : such lists to be signed by the pay-masters of the regiments in which the said new levies have served, countersigned by the commanding-officer, and approved of by the brigadier or commanding-officer of the brigade or corps ; and that it be, and hereby is recommended to the said states, to cause payment to be made to the said new levies, agreeably to such lists, on account of the United States.

On motion of Mr. Sullivan, seconded by Mr. Matthews,

*Resolved*, That for the future all applications of persons serving in the army for settlement of accounts, be made immediately to the auditors of the army :

That all applications of persons serving in the army, for payment of liquidated sums due from the United States, be made immediately to the pay-master, accompanied with the proper warrants :

That all similar applications of other creditors of the United States, be made immediately to the board of treasury, to be liquidated and discharged, either in whole or in such equal proportion, as the board of treasury shall, with the approbation of the United States in Congress assembled, from time to time, generally direct.

*Resolved*, That all applications respecting rank, discharges, losses of horses, clothing or other articles in the service ; and for arrears of clothing and other articles, be made in the first instance to the board of war.

*Resolved*, That all applications for resignations be made to the commander in chief or to the officer commanding in a separate department.

Ordered, That Mr. Wolcott have leave of absence.

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SATURDAY, April 14, 1781.

On the report of a committee, consisting of Mr. Varnum, Mr. Houston and Mr. Matthews, to whom was referred a motion of Mr. Varnum,

The United States in Congress assembled having taken into consideration the report of the board of admiralty of the 28th March last, respecting the conduct of John Paul Jones, Esq; captain in the navy, do

*Resolve*, That the thanks of the United States in Congress assembled, be given to captain John Paul Jones, for the zeal, prudence and intrepidity with which he hath supported the honor of the American flag ; for his bold and successful enterprizes to redeem from captivity the citizens of these states, who had fallen under the power of the enemy ; and, in general, for the good conduct and eminent services by which he has added lustre to his character and to the American arms.



That the thanks of the United States in Congress assembled, be also given to the officers and men who have faithfully served under him from time to time, for their steady affection to the cause of their country and the bravery and perseverance they have manifested therein.

On motion of Mr. Clark, seconded by Mr. Sullivan,

*Resolved*, That the commissioners of the continental loan-offices in the several states be, and they are hereby, directed to exchange with the treasurers of their respective states, all such bills of credit of the old emissions as now are or may come into their hands, by the sale of bills of exchange or on loan for bills of credit of the new emissions issued in the same state, in order that the said bills of the old emissions may be drawn out of circulation as soon as possible.

A report from the board of war was read; whereupon,

*Ordered*, That the auditors of the army settle all accounts for monies heretofore advanced by officers out of their private funds for their regiments or companies, and which are now due agreeably to the scale of depreciation established by the treasury board, and give certificates in specie of the sum due, that the officers entitled thereto may receive the same when the state of the public finances will admit of payment thereof: provided that no charges be allowed by the said auditors, but for such pay or articles as the soldiers were entitled to receive by resolutions of Congress, and which were not supplied by the United States, or the state to which they respectively belonged.

A motion was made by Mr. Adams, seconded by Mr. Bland,

That the board of admiralty be directed to enquire into and report to Congress, the cause of the detention of the prize-money due to the seamen in the service of the United States in Europe and America.

On the question to agree to this, the yeas and nays being required by Mr. Adams,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	}	*
<i>Massachusetts,</i>	Mr. Adams,	ay		
	Mr. Lovell,	ay	}	ay
	Mr. Ward,	ay		
<i>Connecticut,</i>	Mr. Huntington,	ay	}	ay
	Mr. Root,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Houston,	ay		
<i>Pennsylvania,</i>	Mr. Atlee,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. Rodney,	ay	}	*
<i>Maryland,</i>	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Bland,	ay	}	*
<i>North-Carolina,</i>	Mr. Sharpe,	ay		
	Mr. Johnson,	ay	}	ay
<i>South-Carolina,</i>	Mr. Matthews,	ay		
	Mr. Bee,	ay	}	ay
	Mr. Motte,	ay		
<i>Georgia,</i>	Mr. Few,	ay	}	ay
	Mr. Howly,	ay		

So it was resolved in the affirmative.



*MONDAY, April 16, 1781.*

On a report of a committee, consisting of Varnum, Mr. Clark, and Mr. Vandyke, to whom were referred the letters of the board of war, and the pay-master-general of 30th March last,

*Resolved*, That in settling the accounts of the officers returned from captivity, the auditors consider their pay to the first of August last, in bills of the old emissions, agreeable to the usual mode of paying the army; and from the said first day of August, till such officers returned from captivity or rejoined their corps, in bills of the new emission issued agreeable to the resolution of 18th March 1780:

That subsistence-money be allowed to the said officers, at the rate of  $\frac{1}{8}$  of a dollar per ration, in specie; and that the monies paid to them by the commissary of prisoners, pursuant to former resolutions, be charged as so much advanced.

*Resolved*, That the states who have not considered their said officers in captivity, in settling the depreciation accounts of their lines of the army, receive and adjust their demands for depreciation in the same manner as though they had not been in captivity.

*Resolved*, That the demands of officers retiring from service in pursuance of the last reform of the army, and who were not attached to the line of any particular state, whether for pay, subsistence, forage or depreciation, be adjusted by the auditor of the army in some one of the departments or districts: that the balances respectively due be certified in specie-value, and duplicates be transmitted to the board of treasury; that in settling the depreciation accounts, the resolution of Congress of the 28th of June last, be considered as the scale.

*Resolved*, That all warrants issued by the board of war, in favour of officers returned from captivity, for specie, contrary to the tenor of these resolutions, be recalled.

On report of a committee, consisting of Mr. Sullivan, Mr. Smith, Mr. Matthews, to whom was referred a letter of 26th March last, from the governor of Virginia,

*Ordered*, That gov. Jefferson be informed, in answer to his letter of the 26th March last, that it is incompatible with the rules established by the United States in Congress assembled, for colonel Davis to exercise a civil appointment whilst he retains his rank in the army.

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*TUESDAY, April 17, 1781.*

On motion of Mr. Bland, seconded by Mr. Bee,

*Resolved*, That the clothier-general, before he enters into office, shall give bond in such sum as the board of treasury shall think sufficient, with two or more sufficient sureties, for the due performance of his office, which bond shall be lodged in the treasury-office.

Congress proceeded to the election of a clothier-general; and, the ballots being taken,

Mr. John Moylan was elected, having been previously nominated by Mr. Burke.

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*WEDNESDAY, April 18, 1781.*

A committee, consisting of Mr. Duane, Mr. Sharpe, Mr. Wolcott, having been appointed to estimate and state the amount of the debts



due from the United States, with the necessary estimates for the current year, as near as can be done, in order that the same may be laid before their respective legislatures; and having brought in a report, the same was twice read, debated by paragraphs, and agreed to. (See appendix.)

*Ordered*, That copies thereof be sent to the several states.

——  
*THURSDAY, April 19, 1781.*


On motion of Mr. Duane, a delegate for the state of New-York, in pursuance of instructions from his constituents, it was resolved as follows:

Whereas differences have arisen between quarter-masters and commissaries, and persons claiming to be creditors of the United States, for articles furnished by or taken from them, and for services performed by them, for which no vouchers, have been given, or for which the vouchers may be lost, or having vouchers it is doubtful whether the account can be adjusted in either of the departments of the quarter-master-general or commissary-general, to remedy which,

*Resolved*, That every such claim as aforesaid, which shall have been submitted to the inspection of the continental commissioners for auditing and adjusting accounts, and by them certified, shall by the quarter-master or commissary, be allowed and may be paid, or certificates given for the same, in like manner as is directed in the act of Congress of 26th August, 1780.

The report of a committee, consisting of Mr. Adams, Mr. Duane, Mr. Wolcott, to whom was referred the letter of March 10th, in the name and behalf of the general court of Massachusetts, was taken into consideration; and the same being read twice, was agreed to:

*Ordered*, That a copy thereof be transmitted to the general court of the commonwealth of Massachusetts, in answer to their letter of 10th March last.

——  
*FRIDAY, April 20, 1781.*

The delegate for the state of New-York laid before the house instructions from the legislature of that state, which were read:

*Ordered*, That they be referred to the committee on the letter of 28th March, from the governor of the state of New-York:

The report of a committee, consisting of Mr. Ward, Mr. Sullivan and Mr. Motte, to whom was referred a memorial of colonel Hazen, and a letter of March 1st from general Washington, was taken into consideration; whereupon,

*Resolved*, That the board of treasury be, and they are hereby directed to settle and adjust the depreciation that is due to colonel Moses Hazen, the officers and men belonging to his regiment that are not considered as a part of either of the United States quotas, and give them loan-office certificates for the sums that may be found due to them, payable in three years from the first day of January last, with interest; the depreciation to be calculated by the same scale by which the state of Massachusetts calculated the depreciation due to the troops of that state.

*Resolved*, That 24 dollars, in bills of the new emission, be paid to



each non-commissioned officer and private soldier belonging to colonel Moses Hazen's regiment, who is not considered as belonging to the quota of any of the United States.

*Resolved*, That the arrears of pay due to colonel Moses Hazen's regiment, be paid up in the same manner the battalions belonging to the respective states are paid, and be supplied with clothing in the same proportion that other continental troops are supplied.

*Resolved*, That colonel Hazen's regiment be recruited to its original establishment so soon as the finances of the United States will admit of the same being done.

*Resolved*, That it be, and hereby is recommended to the states of Rhode-Island and Providence Plantations, New-York, New-Jersey, Pennsylvania, Delaware, Maryland and Virginia, to make good the depreciation of the monthly pay of the officers and soldiers belonging to colonel Moses Hazen's regiment that are considered as a part of the quota of the respective states aforesaid, in the same manner they have made good the depreciation to the officers and soldiers in the battalions belonging to the lines of those states respectively.

SATURDAY, April 21, 1781.

A memorial from F. Hopkinson, treasurer of loans, was read :

*Ordered*, That the same be referred to the board of treasury ; and that the board of treasury take order and give directions that the remainder of the emissions of May, 1777, and April, 1778, which are yet uncanceled and undestroyed, be delivered to the commissioners appointed to count and burn the same, to be by them counted and burned at the office where they are now counting and destroying other emissions of continental currency ; and that Francis Hopkinson, treasurer of loans, be excused from further attendance on that business.

On the report of a committee, consisting of Mr. Houston, Mr. Burke, Mr. Wolcott, to whom was referred a letter of 13th of March last, from Mr. Morris :

*Resolved*, That the superintendant of finance be, and he is hereby authorized to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, such persons, not immediately appointed by the United States in Congress assembled, as are or may be officially entrusted with, and immediately employed in the expenditure of the public supplies, stores and other property ; in stating, examining and passing the public accounts, or in the receipt of the continental revenues of the United States, and such of the said persons as are or may be in his judgment unnecessary, reporting to such authority, board, minister or office, to whom it may belong to supply the vacancy, the respective names of the persons so removed :

That he be authorized to suspend from office or employment, for similar causes, persons officially employed and entrusted as aforesaid, immediately appointed by the United States in Congress assembled, reporting forthwith their names and the reason of suspension :

Provided, that in all cases where any of the persons aforesaid, are or may be amenable to the law martial, the superintendant be, and he is hereby authorized and directed, if he shall deem it most expedient for the public service, to putt hem in arrest by order in writing, and



to apply to the officer whose duty it may be, to order a court-martial ; and such officer is hereby directed to order proceedings on the arrest accordingly :

That in every case of suspension, all pay and emoluments cease from the date thereof, unless the persons suspended be, upon trial, acquitted and restored ; and the superintendant shall have power to supply the place when it may be necessary, by a temporary appointment, to continue until the person suspended be restored or dismissed :

That the aforesaid powers shall not be construed to interfere with the rank, commission or military duty of any officer in the line of the army, or those who may be duly entrusted with money for secret services by Congress, or the commander in chief of the army, or commanding-officer of a separate department :

That the powers aforesaid be exercised during the pleasure of Congress, but not to extend beyond the duration of the war :

*Ordered*, That the committee have leave to sit again.

On motion of Mr. Clark, seconded by Mr. Varnum,

*Ordered*, That Ezekiel Cornell, one of the commissioners of the board of war, have leave of absence for six weeks, agreeably to his request :

That the said E. Cornell be, and he is hereby directed to visit the military stores and laboratory to the eastward, in the department of the commissary of military stores, and to take measures for removing arms, ammunition and stores from thence to the main army, or to the southward ; and to correct abuses in the said department, agreeably to instructions he may receive from the board of war for these purposes.

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*MONDAY, April 23, 1781.*

A letter, of 10th, from president Weare, of New-Hampshire, was read, enclosing an act passed by the legislature of that state, to authorize the Congress of the United States of America, to levy a duty not exceeding five per centum, upon goods imported into and prizes condemned within that state.

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*WEDNESDAY, April 25, 1781.*

Mr. Nicholas Eveleigh, a delegate for the state of South-Carolina, attended, and took his seat.

A letter, of 21st March, from brigadier-general Moultrie, to the delegates of S. Carolina, was read, enclosing a letter of 31st March from Thomas Heyward, and an affidavit of Thomas Johnson and James M'Queen, relative to the conduct of George Ashby, of Salem, a commander of a privateer cutter, who, upon capturing the schooner Endeavour, commanded by the above named T. Johnson, took, as is therein set forth, several cases of liquors, packages and bundles of clothes, and money, the property of and consigned to gentlemen, prisoners of war, who had been sent from Charleston to St. Augustine ; and also intercepted and refused to re-deliver letters written to the said prisoners by their friends and near relations :

*Ordered*, That the said letters and papers be transmitted to the governor of the commonwealth of Massachusetts ; and that he cause enquiry to be made into the charges exhibited against captain Ashby,



and if, upon enquiry, captain Ashby shall be found guilty of what is charged against him, to cause such punishment to be inflicted on the said Ashby as the laws of the state shall authorize; and that the governor of the said commonwealth be requested to communicate to Congress, the result of such enquiry.

The board of treasury, to whom was referred the petition of colonel Moses Hazen, delivered in a report; whereupon,

*Ordered*, That the board of treasury place to the credit of colonel Moses Hazen, the sum of 13,386 $\frac{2}{90}$  of a dollar specie, being the principal and interest of the money due to him to the 1st of May 1781; and that the same bear an interest at the rate of six per cent. per annum from the 1st day of May next aforesaid, until paid.

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THURSDAY, April 26, 1781.

A letter, of the 21st, from general Washington, was read; whereupon,

*Resolved*, That the quarter-master-general be, and he is hereby authorized to appoint colonel Champion, of Newport, a barrack-master to the French army; and to annex to that office a salary, not exceeding the pay of an assistant deputy quarter-master.

The report of the board of war of 16th March last, on a letter of 15th of the same month from the pay-master-general, was taken into consideration; and, thereupon,

*Resolved*, That the pay of captain-lieutenants of artillery, and of lieutenants and serjeants of infantry, be paid in bills of the new emission, at the rate fixed for the pay of those officers and non-commissioned officers respectively, on the 27th day of May, 1778, any former resolution of Congress to the contrary hereof notwithstanding.

The board of treasury reported, that in pursuance of the act of the 5th day of September last, they have prepared loan-office certificates to the amount of 1,000,000 of dollars specie value, which are ready to be sent forward to the several continental loan-offices; whereupon,

*Resolved*, That the commissioners of the several continental loan-offices issue the specie certificates ordered by the resolution of 5th September, 1780, only on their receiving specie, or upon the order of Congress, or of the board of treasury for the balance of accounts liquidated in specie value.

On motion of Mr. M. Smith, seconded by Mr. Adams,

*Ordered*, That the board of war cause the rampart muskets in their possession to be repaired; and forward, with all-possible dispatch, to the executives of the states of Virginia and North-Carolina, a quantity not exceeding 2000, to each state, charging to the said states respectively, the value of the muskets, with the expense of repairing and transporting them.

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FRIDAY, April 27, 1781.

A letter, of the 26th, from the board of war, was read; whereupon,

*Ordered*, That John Bradford, continental agent at Boston, deliver to the quarter-master-general, or his order, all the duck in his hands belonging to the United States, proper for tents.

On a further report of the committee on the letter of 13th March from Robert Morris,



In order that the superintendant of finance may be at liberty to devote his time and attention to the more immediate duties of office,

*Resolved*, That he be, and hereby is authorized, to appoint by letter of attorney or otherwise, such person or persons as he may think proper, to prosecute or defend for him in his official capacity, or in behalf of the United States, in all places where the same may be necessary :

That the oath of office be taken by the superintendant of finance be as follows : I ——— do swear or affirm, that I will truly and impartially execute the office of superintendant of the finances of the United States of America, to which I am appointed ; and will, in all respects, discharge the trust reposed in me by the said appointment, with fidelity, justice, and integrity, to the best of my skill and understanding :

That the form of the commission to the superintendant of finance be as follows :

The United States in Congress assembled :

To

Greeting.

WE, reposing especial trust and confidence in your fidelity, diligence and ability, have constituted and appointed, and do by these presents constitute and appoint, you the said ———, to be superintendant of the finances of the United States, hereby giving and granting to you all powers, privileges, authorities, and emoluments, which to the said office now do or hereafter may belong or appertain.

Witness his excellency Samuel Huntington, president of Congress, at Philadelphia, the            day of            in the year of our Lord, one thousand seven hundred and eighty-one, and in the fifth year of our independence.

—————  
SATURDAY, April 28, 1781.

A report of the board of war on a memorial of the officers of colonel Baldwin's regiment of artificers was read ; whereupon,

*Resolved*, That it be recommended to the states to which they respectively belong, to make up the depreciation of their pay according to the real value of their wages at the time of their establishment, to the officers and men now or late of the regiment of artificers commanded by colonel Baldwin.

—————  
MONDAY, April 30, 1781.

A report from the board of war on a memorial of Elijah Weed, keeper of the state prison, was read ; whereupon,

*Resolved*, That the pay of the keeper of the state prison, and the officers employed under him, be fixed in specie, as follows :

The keeper two dollars per day ; an assistant one dollar per day ; a turnkey  $\frac{2}{3}$ ds of a dollar.

—————  
WEDNESDAY, May 2, 1781.

A letter, of the 1st, from the board of war, was read, informing that, by the death of colonel Flower, the place of commissary-general of military-stores is vacant.

On the report of a committee, consisting of Mr. Matthews, Mr.



Atlee, Mr. Walton, to whom was referred a letter of 19th April from brigadier-general Moultrie, enclosing a memorial from the officers belonging to the states of South-Carolina and Georgia, and to Pulaski's and Armand's legionary corps, now prisoners in Charleston :

*Ordered*, That the board of war take immediate measures for remitting to Charleston, 600 hogsheads of the tobacco now in the commonwealth of Virginia, belonging to the United States, for the use of the above-mentioned prisoners of war, and such of the militia of the states of South-Carolina and Georgia, as were actually taken in arms, and remain prisoners of war :

That the board of war appoint a proper person to dispose of the tobacco in Charleston, with orders to render, as soon as may be, an account of the sales, to be lodged in the board of treasury.

On motion of Mr. Duane, seconded by Mr. Matthews,

*Resolved*, That lieutenant-colonel Fleury be permitted to remain on furlough until Congress shall otherwise direct.

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FRIDAY, May 4, 1781.

On the report of a committee, consisting of Mr. Duane, Mr. Ward, Mr. Bland, to whom was referred a letter of March 16th, 1780, from Dr. Franklin, and a memorial of Thomas Hutchins :

*Resolved*, That Thomas Hutchins be appointed geographer to the southern-army, with the same pay and emoluments as are allowed to the geographer to the main army.

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MONDAY, May 7, 1781.

A letter, of April 26th, from J. Deshon, one of the navy board, eastern-department, was read, requesting leave to resign :

*Ordered*, That his resignation be accepted.

*Ordered*, That the specie certificates to be issued for the balance of accounts liquidated in specie value, pursuant to the resolution of 26th day of April last, be made payable in one year from the time of issuing the same.

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TUESDAY, May 8, 1781.

A report from the board of war, on the memorial of the Rev. Mr. Rogers, was taken into consideration ; and, thereupon,

*Resolved*, That the commander in chief be, and he is hereby authorized and directed to arrange the brigade chaplains of the several state lines serving with the army, and the commanding-general of the southern-army those of the line serving with that army ; so as to retain in service no more chaplains of each line than are equal to the number of brigades :

That every chaplain deemed and certified to the board of war to be supernumerary, be no longer continued in service, and be entitled to have their depreciation made good, and to the half-pay of captains for life.

A report of the board of war on the letter of 1st from the commander in chief, was read ; whereupon,

*Resolved*, That that the commanding-general at West-Point, for the time being, receive the extra allowance granted by Congress to an of-



ficer commanding a separate department, until the further order of Congress.

On motion of Mr. Bland, seconded by Mr. Witherspoon,

*Resolved*, That the state of Connecticut be requested to use every possible exertion to re-mount colonel Sheldon's regiment, and to equip them with such accoutrements as they can furnish them with, to enable them to take the field.

The president informed the house that he was under a necessity to return home, and therefore desired leave of absence; whereupon,

*Ordered*, That Thursday next be assigned for electing a president.

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THURSDAY, May 10, 1781.

*Resolved*, That the order of the day for electing a president be postponed.

---

MONDAY, May 14, 1781.

Mr. Jenifer, a delegate for Maryland, attended, and took his seat.

Mr. Livermore, a delegate for New-Hampshire, attended, and produced the credentials of his appointment, which were read.

A letter, of 14th, from R. Morris, was read, signifying his acceptance of the office of superintendant of finance.

On the report of a committee, consisting of Mr. Witherspoon, Mr. Bland, Mr. Carroll, to whom was referred a letter of 8th from general Washington,

*Resolved*, That it be earnestly recommended to the executive authority in the several states from New-Hampshire to Pennsylvania, inclusive, to forward on to each place as the quarter-master-general shall direct, at the expense of the respective states, in the first instance, all such supplies of provisions as they have been called upon to furnish by the resolution of Congress of 4th November last; and that all such necessary expense, as any of the said states are at in transporting the provisions aforesaid, shall be placed to the credit of the states respectively.

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TUESDAY, May 15, 1781.

The committee on the letter of 8th, from general Washington, delivered in a further report; whereupon,

*Ordered*, That the board of admiralty deliver to the order of the commander in chief, ten of the heavy cannon imported for the seventy-four gun ship at Portsmouth, for the use of the garrison at Rhode-Island.

Congress proceeded to the election of officers in the hospital department for the southern-army, and, the ballots being taken,

Dr. David Oliphant was elected deputy director;

Peter Fayssou, chief physician of the hospital;

James Brown, chief physician of the army;

Robert Johnston, } hospital physicians;

William Reed, }

having been previously nominated by Mr. Matthews.

A report of the medical-committee was taken into consideration; whereupon,

*Resolved*, That all such officers of the medical-department, appoin-



ted under the directorship of Dr. Oliphant, as are now in captivity in South-Carolina and Georgia, and have the charge of the sick prisoners in those states, be continued in their respective offices as heretofore, and be considered as vested with the same power, and entitled to the same privileges and emoluments as they had and enjoyed before their captivity, to extend no further than to the troops and hospitals within the enemy's lines.

On the report of a committee, consisting of Mr. Bland, Mr. Carroll, Mr. Vandyke, to whom was referred a motion of Mr. Madison,

*Ordered*, That warrants issue in favour of John Pierce, pay-master-general, upon the loan-offices of the states of Delaware, Maryland and Virginia, in bills of the new emission arising from the  $\frac{4}{16}$ ths of the 10,000,000 issued in pursuance of the act of the 18th March, 1780, and that the same be applied to the paying the lines of the said states respectively, viz. On the commissioner of the continental loan-office for the state of Delaware, for 25,863 dollars; on the commissioner of the continental loan-office for the state of Maryland, for 125,143 dollars; and on that for the state of Virginia, for 237,279 dollars; for which sums the said J. Pierce, pay-master-general, is to be accountable.

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WEDNESDAY, May 16, 1781.

A letter, of 16th, from E. Forman, was read; whereupon,

The report of the committee consisting of Mr. Jones, Mr. Sullivan, Mr. Root, to whom was referred the complaint exhibited by the treasurer of loans, against the commissioners of the board of treasury, together with the reports of the committee on that subject was called for; and the same being read, was accepted and ordered to be entered on the journal.

The report is as follows:

“ That on the first of April, 1780, the treasury board, consisting of two members of Congress and one commissioner, ordered the following advertisement to be published, viz. “ For the information of such persons as have business with the board of treasury of the United States, notice is given that the hours appointed to receive applications, are from twelve at noon to two, and from four to five in the afternoon:” and on the 24th June, 1780, the treasury board, consisting of two members of Congress and three commissioners, ordered that the treasurer of loans transmit to the board of treasury, all applications from the several loan-offices for loan-office certificates, bills of exchange or other thing appertaining to their respective offices, or certified copies of such applications. Your committee find that the establishment of the aforesaid regulations, which appear to have been adopted for good purposes, and the endeavours of the commissioners to carry them into effect, gave rise to the imputation of undue pride and insolence of office, contained in the first article. With respect to the second article of charge, for issuing absurd and incorrect orders, your committee find that the mistakes and errors referred to, were timely rectified without any injury to the public: appear to have been accidental, and mostly owing to some inaccuracies in the official returns made to the board.



“ Your committee further find that the state of the treasury, and the many large drafts upon it, often make it necessary, in particular emergencies, that preference should be given to some warrants in order to save the public from suffering the most essential injury ; and that the board of treasury, for the purpose aforesaid, did exercise a controuling power over payments at the treasury, which appears to be the ground of the charge contained in the third article.

“ Your committee futher find that the treasurer of loans, pursuant to the orders of the board of treasury, made return of all loan-office certificates received and issued by him, with the times when, and persons to whom, and also of all those which remained on hand, which return is dated the 17th March, 1780 : that one of the commissioners afterwards made this entry at the foot of one of the columns of 200 dollars, viz. “ March 29th, So. Ca. 250 ;” which appears to have been done without any design or scarcely a possibility of injuring any person thereby, but merely for the purpose of having the whole in one view ; which is all the evidence in support of the 4th article, which is for interlining and altering accounts filed in the records of their office.

“ Upon the whole, your committee are of opinion that none of the articles of charge aforesaid, against the commissioners of the board of treasury, are supported, and that they ought be acquitted therefrom.

— ❁ —  
*THURSDAY, May 17, 1781.*

A report of the board of admiralty, to whom was referred a memorial from the honorable minister of France, was taken into consideration ; whereupon it was resolved as follows :

Whereas the hon. the minister of France hath represented to us, that the precaution pointed out in the resolution of Congress of the 11th November, 1780, are insufficient to prevent the abuse which the British may make of papers or clearances they may take in American prizes, if confined to vessels of war, and not extended to merchant vessels, and in general all vessels dispatched from the United States, therefore,

*Resolved*, That it be, and hereby is recommended to the legislature of the several states, that they enact laws as soon as may be, ordering the naval officers in their respective ports, to require the master and chief mate of all vessels, unarmed as well as armed, which shall be dispatched from their respective ports, to undersign their clearances in the presence of the naval officer of the port ; who is also to insert on the back of the clearance, a minute description of the persons of the master and his mate, with their age, stature, complexion, &c. respectively, and to certify the same under his signature and seal of office.

A report of the board of war on letters and papers of lieutenant-colonel Dericks, was taken into consideration ; whereupon,

*Resolved*, That lieutenant-colonel Dericks be informed, that although Congress have received the most satisfactory proofs of his zeal and capacity to serve these United States, it is impracticable to employ him in the service of these states consistent with the arrangement of the army : that his account for pay and subsistence be settled by the board of treasury in specie value, up to this day ; and that the board of treasury take order for the payment of the balance that shall



be found due to him, together with a sum equal to one year's pay ; and that from henceforward he be no longer entitled to pay and subsistence, pursuant to the resolution of December 29th, 1779.

The report of the committee of commerce, on the accounts of Stephen Ceronio, was taken into consideration ; whereupon,

*Ordered*, That the board of treasury pass 55,650 livres of St. Domingo, to the credit of Stephen Ceronio, being the balance of his accounts as continental agent at the Cape, to bear an interest of six per cent. per annum from this day until paid.

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FRIDAY, May 18, 1781.

A motion was made by Mr. Madison, seconded by Mr. Jones.

That the board of war be, and hereby are directed to transmit to brigadier-general Wayne, copies of the intelligence received yesterday, relating to the sailing of the British fleet from New-York ; and that general Wayne be, and he is hereby authorized and directed, in case the supplies of provisions and forage, necessary for the immediate march of the detachment under his command to the southern department cannot be otherwise obtained, to impress the same, and to report the amount thereof to the executives of the states within which the same shall be taken ; such states to be credited therefor as part of the specific supplies due on the requisitions of Congress.

On which the yeas and nays being required by Mr. J. Jones,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay
	Mr. Ward,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
<i>Connecticut,</i>	Mr. Huntington,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	no	} no
	Mr. Clymer,	ay	
	Mr. T. Smith,	no	
<i>Maryland,</i>	Mr. Carroll,	ay	} ay
	Mr. Jenifer,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Bland,	ay	
<i>North-Carolina,</i>	Mr. M. Smith,	ay	} ay
	Mr. Sharpe,	ay	
<i>South-Carolina,</i>	Mr. Johnson,	ay	} ay
	Mr. Matthews,	ay	
	Mr. Bee,	ay	} ay
	Mr. Eveleigh,	ay	
<i>Georgia,</i>	Mr. Few,	ay	} ay
	Mr. Howly,	ay	

So it was resolved in the affirmative.

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MONDAY, May 21, 1781.

On the report of a committee, consisting of Mr. Sullivan, Mr. Varnum and Mr. Atlee, to whom was referred a letter of 18th from major-general Gates :



*Resolved*, That the resolutions of the 5th of October last, directing a court of enquiry to be held on the conduct of major-general Gates, as commander of the southern army; and directing the commander in chief to appoint an officer to command the southern-army in the room of general Gates, until such enquiry be made; did not operate as a suspension of general Gates from his command in the line of the army at large, as a major-general; and, as from the situation of affairs in the southern department, such court of enquiry cannot be speedily held, that major-general Gates be informed, that he is at liberty to repair to head-quarters, and take such command as the commander in chief shall direct.

— ❁ —  
TUESDAY, May 22, 1781.

The report of a committee, consisting of Mr. Witherspoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer, appointed to devise further ways and means to carry on the present campaign, &c. was taken into consideration; and the clause being under debate, where the states are to be informed, "That it is expected they will severally direct their treasurers to accept the bills that may be drawn upon them by the treasurer of the United States as soon as presented, and take effectual measures to enable their respective treasurers to pay them punctually as they become due, "in real efficient money, that is to say, either in silver and gold, or in paper equivalent thereto, according to the common rate or difference between such paper and silver in the course of dealings in their respective states at the time of payment."

On the question to agree to the latter part of this clause, from the word "due" to the end, the yeas and nays being required by Mr. T. Smith,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	}	no
	Mr. Livermore,	no		
<i>Massachusetts,</i>	Mr. Lovell,	no	}	no
	Mr. Ward,	no		
<i>Connecticut,</i>	Mr. Huntington,	no	}	*
<i>New-Jersey,</i>	Mr. Witherpoon,	no		
<i>Pennsylvania,</i>	Mr. Atlee,	ay	}	ay
	Mr. Clymer,	ay		
	Mr. T. Smith,	ay		
<i>Maryland,</i>	Mr. Jenifer,	no	}	no
	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Bland,	no		
	Mr. M. Smith,	ay		
<i>North-Carolina,</i>	Mr. Sharpe,	ay	}	ay
	Mr. Johnson,	ay		
<i>South-Carolina,</i>	Mr. Matthews,	ay	}	no
	Mr. Motte,	no		
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	Mr. Few,	ay		
	Mr. Howly,	ay		

So it passed in the negative.



The report being farther debated, was agreed to as follows :

*Resolved*, That the whole debts already due by the United States, be liquidated as soon as may be to their specie value, and funded, if agreeable to the creditors, as a loan upon interest : that the states be severally informed, that the calculations of the expenses of the present campaign are made in solid coin, and consequently that the requisitions from them respectively, being grounded on those calculations, must be complied with in such manner as effectually to answer the purpose designed : that experience having evinced the inefficacy of all attempts to support the credit of paper-money by compulsory acts, it is recommended to such states, where laws making paper bills a tender yet exist, to repeal the same :

That the states be further informed, that the exigency and situation of public affairs is such, that any further delay in complying with the requisitions of Congress must prove ruinous ; and that therefore the treasurer of the United States is directed immediately to draw orders on the treasurers of the several states, payable at thirty days sight, for their respective quotas of the 3,000,000 of dollars, called for on the 26th day of August, 1780, and which was to have been paid into the continental treasury on or before the last day of December last ; and that he will in like manner continue to draw orders on them for their respective quotas of the sums called for by the acts of the 4th November and 16th March last, as they become due ; and that it is expected the states will severally direct their treasurers to accept those orders as soon as presented, and take effectual measures to enable their respective treasurers to pay them punctually as they become due :

That the board of war be, and they are hereby directed to estimate the supplies of the northern and southern-army in rations, specifying of what a ration is to consist ; and that proposals be taken in for supplying these at a stipulated price in gold and silver, by a contract or contracts, from the 1st of July next to the 1st day of January, 1782 :

That a right be made out to the contractor or contractors, to receive the specific supplies required by Congress, at such price as shall be agreed on, in part payment of the stipulations in the contracts.

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WEDNESDAY, May 23, 1781.

The report of a committee, consisting of Mr. Bland, Mr. Matthews, Mr. Howly, appointed to confer with the board of war, was taken into consideration ; and, on the question to agree,

That the board of war be authorized to remove the convention prisoners, to such place or places in the commonwealth of Massachusetts as they shall think proper.

The yeas and nays being required by Mr. Ward,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	} <i>divided.</i>
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	no	} <i>no</i>
	Mr. Ward,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
<i>Connecticut,</i>	Mr. Huntington,	ay	



<i>Pennsylvania,</i>	Mr. <i>Atlee,</i>	ay	} ay
	Mr. <i>Clymer,</i>	ay	
	Mr. <i>T. Smith,</i>	no	
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	ay	} ay
	Mr. <i>Carroll,</i>	ay	
<i>Virginia,</i>	Mr. <i>Jones,</i>	ay	} ay
	Mr. <i>Madison,</i>	ay	
	Mr. <i>Bland,</i>	ay	
<i>North-Carolina,</i>	Mr. <i>Sharpe,</i>	ay	} ay
	Mr. <i>Johnson,</i>	ay	
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	ay	} ay
	Mr. <i>Bee,</i>	ay	
	Mr. <i>Eveleigh,</i>	ay	
<i>Georgia.</i>	Mr. <i>Few,</i>	ay	} ay
	Mr. <i>Howly,</i>	ay	

So the question was lost.

A motion was made by Mr. Bland, seconded by Mr. Clymer,

That the board of war take order to remove the convention troops, in such manner and to such place as they think most conducive to the good of the union in general.

On which the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. <i>Sullivan,</i>	ay	} ay
	Mr. <i>Livermore,</i>	ay	
<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	ay	} divided.
	Mr. <i>Ward,</i>	no	
<i>Rhode-Island,</i>	Mr. <i>Varnum,</i>	ay	} *
<i>Connecticut,</i>	Mr. <i>Huntington,</i>	ay	
<i>Pennsylvania,</i>	Mr. <i>Atlee,</i>	ay	} ay
	Mr. <i>Clymer,</i>	ay	
	Mr. <i>T. Smith,</i>	ay	
<i>Maryland,</i>	Mr. <i>Carroll,</i>	ay	} ay
	Mr. <i>Jenifer,</i>	ay	
<i>Virginia,</i>	Mr. <i>Jones,</i>	ay	} ay
	Mr. <i>Madison,</i>	ay	
	Mr. <i>Bland,</i>	ay	
<i>North-Carolina,</i>	Mr. <i>M. Smith,</i>	ay	} ay
	Mr. <i>Sharpe,</i>	ay	
	Mr. <i>Johnson,</i>	ay	
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	ay	} ay
	Mr. <i>Bee,</i>	ay	
	Mr. <i>Eveleigh,</i>	ay	
<i>Georgia,</i>	Mr. <i>Few,</i>	ay	} ay
	Mr. <i>Howly,</i>	ay	

So it was resolved in the affirmative.

*Resolved,* That the states through which they may pass, be requested to furnish the necessary guards, and to supply the said prisoners and guards with provisions through their respective states to the place or places to which they are removed.



THURSDAY, May 24, 1781.

A report from the board of admiralty on the petition of Dumaine and Lyon, was taken into consideration ; whereupon,

*Resolved*, That a copy of the said petition be transmitted to the minister plenipotentiary of these United States at the court of Spain ; and that he be directed to represent the matter to the said court, and take such measures as he may judge expedient to obtain an order to the judge of the admiralty of Teneriffe, to deliver the whole amount of the sales of the prize therein mentioned, to the owners of the brigantine Brilliant, their agent or attorney, for the use of the said owners and the captors.

On the report of a committee, consisting of Mr. Matthews, Mr. Carroll, Mr. Clymer, to whom was referred a letter of 22d April from major-general the marquis de la Fayette :

*Resolved*, That Congress entertain a just sense of the patriotic and timely exertions of the merchants of Baltimore, who so generously supplied the marquis de la Fayette with about 2000 guineas, to enable him to forward the detachment under his command :

That the marquis de la Fayette be assured that Congress will take proper measures to discharge the engagements he has entered into with the merchants.

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FRIDAY, May 25, 1781.

*Ordered*, That the resignation of Dr. Hagan be accepted.

On the report of a committee, consisting of Mr. Jones, Mr. Carroll, Mr. Sullivan, to whom was referred a letter from governor Lee, of Maryland, of the 10th :

*Ordered*, That the board of war take measures for obtaining permission to send into New-York and Charlestown at the common expense, such quantities of tobacco as will be sufficient to discharge the arrears due from the American prisoners, who have been or are now in confinement, and for the future support of such as now are or hereafter may be in the power of the enemy ; and report, from time to time, the quantities of tobacco necessary for these purposes.

A report from the board of war was read ; whereupon,

*Ordered*, That the board of admiralty assign to Samuel Hodgdon, assistant-commissary-general of military-stores, the bond or note given for the purchase-money of the cannon sold to sundry merchants of Philadelphia ; and that the said Samuel Hodgdon collect and pay the monies due thereon, to the iron-masters who have cast shot and shells for the United States, in proportion to their respective demands.

On the report of a committee, consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland, to whom was referred a letter of 20th December last, from the commander in chief :

*Resolved*, That battalion promotions in the infantry, to the rank of commanding-officer inclusive, where such battalion is annexed to any state, shall be in the line of such state :

That in regiments of infantry or legionary, corps not annexed to particular states, promotions to the rank of commanding-officer inclusive, be regimental or legionary ;

That promotions in the cavalry and artillery, be regimental to the rank of commanding-officer inclusive :



That the promoting of battalion officers to the rank of brigadiers, be confined to the following districts, in each of which brigadiers, when necessary, shall be made from the senior officer of that district, without regard to any particular state :

That N. Hampshire and Massachusetts, be entitled to four brigadiers ; Rhode-Island and Connecticut, two brigadiers ; New-York and New-Jersey, including colonel Hazen's regiment, two brigadiers ; Pennsylvania, two brigadiers ; Delaware and Maryland, two brigadiers ; Virginia, three brigadiers ; North-Carolina, one brigadier ; South-Carolina and Georgia, one brigadier.

That whenever a brigadier shall be wanting for the troops of either of those districts, he shall be made from the senior battalion officer without regarding the state to which he belongs :

That in the cavalry and artillery, brigadiers shall be made from the eldest regimental-officers in those corps respectively :

That major-generals shall be made from the eldest brigadiers in the army, whether belonging to the infantry, cavalry or artillery :

That all brigadiers hereafter to be made, shall have relative rank respecting each other, agreeable to the date of their last battalion commission, priority of appointment notwithstanding :

That Tench Tilghman, Esq; receive the commission of lieutenant-colonel in the line of the army, and take rank from the 1st April, 1777:

That Dr. James M'Henry receive the commission of major in the army of the United States, to take rank from the 30th October last :

That officers not annexed to any line, serving in the family of the commander in chief, and those serving as aids-de-camp with other general officers, retain the rank they now hold, and shall be eligible to command upon detachments when the commander in chief, or commanding-officer of a department, shall think proper :

That all officers who are hostages, and are liable to be called for by the enemy, and are not continued in the line of any state, shall be entitled to their full pay until redeemed, and to half-pay for life afterwards, in the same manner as officers of equal rank reduced by the late arrangement ; and that it be recommended to the respective states, in the line of which they were at the time of their becoming hostages, to make good to them their depreciation, and also to pay them such sums as are or may become due to them, and charge the same to the United States :

That lieutenant-colonels commandants of battalions be not considered in different grades from other lieutenant-colonels of the line.

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SATURDAY, May 26, 1781.

On the report of a committee, consisting of Mr. Witherspoon, Mr. Sullivan, Mr. M. Smith, Mr. Clymer, to whom was referred a letter from Mr. R. Morris, with the plan of a bank :

*Resolved*, That Congress do not approve of the \*plan for establish-

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\* *Plan for establishing a national bank for the United States of North-America.*

I. That a subscription be opened for 400,000 dollars, in shares of 400 dollars each, to be paid in gold or silver.



ing a national bank in these United States, submitted to their consideration by Mr. R. Morris, the 17th May, 1781; and that they will promote and support the same by such ways and means, from time to time, as may appear necessary for the institution, and consistent with the public good :

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II. That the subscription be paid into the hands of George Clymer and John Nixon, Esqrs; or their agents.

III. That every subscriber of less than five shares, pay the whole sum on the day of his subscription.

IV. That every subscriber of five shares, or upwards, pay one-half the sum on the day of his subscription, and the other half within three months of that day.

V. That every holder of a share shall be entitled to vote by himself, his agent, or proxy properly appointed, at all elections of directors, and that he have as many votes as he holds shares; and that every subscriber may sell or transfer his share or shares at his pleasure, the transfer being made in the bank books, in presence and with the approbation of the proprietor, or his lawful attorney, the purchaser then to become entitled to the right of voting, &c.

VI. That there be twelve directors chosen from among those entitled to vote, who, at their first meeting, shall choose one as president.

VII. That there be a meeting of the directors quarterly, for the purpose of regulating the affairs of the bank; any seven of the directors to make a board, and that the board have power to adjourn from time to time.

VIII. That the board of directors determine the manner of doing business, and the rules and forms to be pursued, appoint the various officers which they may find necessary, and dispose of the money and credit of the bank for the interest and benefit of the proprietors, and make, from time to time, such dividends, out of the profits, as they may think proper.

IX. That the board be empowered, from time to time, to open new subscriptions, for the purpose of encreasing the capital of the bank, on such terms and conditions as they shall think proper.

X. That the board shall at every quarterly meeting, choose two directors to inspect and controul the business of the bank for the ensuing three months.

XI. That the inspectors so chosen, shall on the evening of every day, Sundays excepted, deliver to the superintendant of the finances of America, a state of the cash account and of the notes issued and received.

XII. That the bank notes, payable on demand, shall by law be made receivable in the duties and taxes of every state in the union, and from the respective states by the treasury of the United States as specie.

XIII. That the superintendant of the finances of America shall have a right, at all times, to examine into the affairs of the bank, and for that purpose shall have access to all the books and papers.

XIV. That any director or officer of the bank, who shall convert any of the property, monies or credits thereof to his own use, or shall any



That the subscribers to the said bank shall be incorporated agreeably to the principles and terms of the plan, under the name of "the president, directors and company of the bank of North-America," so soon as the subscription shall be filled, the directors and president chosen, and application for that purpose made to Congress by the president and directors elected.

On the question to agree to this paragraph, the yeas and nays being required by Mr. T. Smith,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	no	} no
	Mr. Ward,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
	Mr. Huntington,	ay	
<i>Connecticut,</i>	Mr. Witherspoon,	ay	} ay
	Mr. Houston,	ay	
<i>Pennsylvania,</i>	Mr. Clymer,	ay	} divided.
	Mr. T. Smith,	no	
<i>Maryland,</i>	Mr. Jenifer,	ay	} ay
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	no	
	Mr. Bland,	ay	
	Mr. M. Smith,	ay	
<i>North-Carolina,</i>	Mr. Sharpe,	ay	} ay
	Mr. Johnson,	ay	
<i>South-Carolina,</i>	Mr. Matthews,	ay	} ay
	Mr. Bee,	ay	
	Mr. Motte,	ay	
<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Mr. Few,	ay	
	Mr. Howly,	ay	

So it was resolved in the affirmative.

other way be guilty of fraud or embezzlement, shall forfeit all his share or stock to the company.

XV. That laws shall be passed making it felony without benefit of clergy, to commit such fraud or embezzlement.

XVI. That the subscribers shall be incorporated under the name of "the president, directors and company of the bank of North America."

XVII. That none of the directors shall be entitled to any pecuniary advantage for his attendance on the duties of his office as director, or as president or inspector, unless an alteration in this respect, shall hereafter be made, by the consent of a majority of the stock-holders at a general election.

XVIII. That as soon as the subscription shall be filled, George Clymer and John Nixon, Esqrs; shall publish a list of the names and sums respectively subscribed, with the place of abode of the subscribers, and appoint a-day for the choice of directors, to whom, when chosen, they shall deliver over the money by them received.



*Resolved*, That it be recommended to the several states by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said states respectively during the war.

*Resolved*, That the notes hereafter to be issued by the said bank, payable on demand, shall be receivable in payment of all taxes, duties and debts due, or that may become due or payable to the United States :

*Resolved*, That Congress will recommend to the several legislatures to pass laws, making it felony without benefit of clergy, for any person to counterfeit bank-notes, or to pass such notes, knowing them to be counterfeit ; also making it felony without benefit of clergy, for any president, inspector, director, officer or servant of the bank, to convert any of the property, money or credit of the said bank to his own use, or in any other way to be guilty of fraud or embezzlement as an officer or servant of the bank.

On the report of a committee, consisting of Mr. Jones, Mr. Jenifer, Mr. Matthews, to whom were referred letters from major-general Greene :

*Ordered*, That a copy of major-general Greene's letter of 22d April, be transmitted to the executives of the states from New-Hampshire to New-Jersey, both inclusive ; that the said states respectively may have before them, as fully as the same is communicated to Congress, the dangerous situation of the southern states ; and from a knowledge of their circumstances, and consideration of their distresses, may be prompted to make the utmost exertions for sending forward to the main-army their quotas of men, agreeably to the requisitions of Congress of the 3d and 21st day of October last, whereby alone the commander in chief can be enabled to give effectual succour to the southern states and prosecute with vigour the operations of the ensuing campaign.

On the report of a committee, consisting of Mr. Varnum, Mr. Motte, Mr. Carroll, to whom was referred a letter of J. Howell, auditor of accounts in the main-army :

*Resolved*, That the officers of the flying-camp, lately returned from captivity, be allowed depreciation by their respective states, in the same manner as officers of the line in such states :

That in settling the accounts of officers returned from captivity, and who are entitled to the benefit of the resolutions of the 24th November, 1778, and 22d May, 1779, the auditors allow the year's pay mentioned in said resolutions in bills of the new emission, issued agreeably to the resolution of 18th March, 1780, and which shall be paid by the pay-master-general :

That auditors of the army cannot take notice of breaches of parole till the same be ascertained by courts-martial, and that the pay of such officers will vary from that of other officers, according to the sentence, and not otherwise.

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MONDAY, May 28, 1781.

A report from the board of war was read ; whereupon,

*Ordered*, That all the duck, of whatever description, belonging to the United States, in the hands of the continental agent at Boston, be



delivered to the quarter-master-general, or his order; that so much thereof as is suitable may be made up into tents, and the residue, except so much as is necessary for other uses in the quarter-master-general's department, be exchanged for light duck or other materials fit for tents, and the materials produced by such exchange, be immediately made up into tents for the use of the army.

On motion of Mr. Varnum, seconded by Mr. Bland,

*Ordered*, That the medical-committee be discontinued and that the committee lodge with the board of war all the returns and papers in their possession, and then be discharged; and that the business heretofore entrusted to them, and the powers with which they were invested, be transferred to the board.

A report from the board of treasury, was read, stating "that in consequence of the act of 5th September last, certificates of certain denominations to the amount of 1,000,000 of dollars were printed and signed: that by the act of the 26th April last, the certificates aforesaid being directed to be issued for balances of accounts liquidated in specie value, it became necessary to print other certificates blank, in order that the precise balances might be filled up;" whereupon,

*Ordered*, That the treasurer of loans sign such other certificates, under the act of 5th September, 1780, and 26th April last, and of 7th and 22d instant, as the board of treasury shall direct, the amount of the respective balances being sent with such directions and first inserted, such certificates to be countersigned by the commissioner of the continental loan-office, where the claimant or claimants may choose to have the interest made payable.

On motion of the delegates of Pennsylvania,

*Resolved*, That Tench Francis be added to Mr. Thomas Smith and Mr. Richard Bache; and that any one of them be authorized on behalf of the United States, to sign the bills of credit issued by the commonwealth of Pennsylvania, pursuant to the act of Congress of 18th March, 1780.

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*TUESDAY, May 29, 1781.*

The committee of the week delivered in a report; whereupon,

*Ordered*, That the letter of 9th signed by A. Fowler and others, at Pittsburgh, be transmitted to the commander in chief, with the other papers respecting the conduct of the commanding-officer of that post.

A report from the board of treasury was read: whereupon,

*Ordered*, That the sum of  $224\frac{6}{9}$  and  $\frac{6}{8}$ ths, specie-value, being due to certain claimants for attending a court-martial upon the trial of col. Maſon, col. Smith and Major Eayers, as presented by the select men of Springfield, be passed to the credit of the state of Massachusetts; and that the board of treasury furnish the executive of the said state with a copy of this order, that the several claimants may receive payment from the said state.

The report of the committee, to whom was referred the report of the board of treasury on the accounts of Arthur Lee, was taken into consideration; whereupon,

*Ordered*, That in the settlement of Mr. A. Lee's accounts, the board of treasury admit as vouchers, bills of lading and invoices, which



shew that merchants of character have shipped the contents : where such cannot be produced, that they admit receipts, or other papers which charge the consignee or other competent person at the port of delivery : that they admit the bankers accounts which charge the bank with the credit given for cash deposited, and undertake if required, to vouch the particular payments which are entered to Mr. Lee's debt, as commissioner of the United States : and where no vouchers under the foregoing descriptions are produced, that the accounts be left open in order to give an opportunity for completing the vouchers :

That the accounts for expenses be stated so as to distinguish between ordinary and extraordinary ; that the letter be stated particularly for the consideration of Congress, giving credit for the articles delivered up to the public at first cost, and that the former be stated generally, and that no other voucher be required for either, than the word of honor of the said A. Lee, late minister :

That with respect to the charge for monies disbursed on account of the state of Virginia, it be admitted to Mr. Lee's credit, whenever the state of Virginia, shall signify that they admit themselves to be debited therewith.

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WEDNESDAY, May 30, 1781.

The board of admiralty, to whom was referred the memorial of Jozeda Fonseca Soares de Figuerido, report,

That the proper mode for the memorialist to obtain redress of any injuries he may have sustained, either in his property or person from capt. Sampson, is by prosecution in due course of law ; and that a letter should be written by the president to the supreme executive of the state of Massachusetts, enclosing a copy of the said memorial, and a copy of the proclamation issued by Congress May 9th, 1778 ; and recommending to the said executive, to give all such countenance, protection and assistance to the memorialist, in his attempts to obtain legal satisfaction for the injuries alleged in his memorial to have been done to him personally and in his property by capt. Sampson, as becomes the United States respectively to give to the subjects of neutral powers, who shall complain of a violation of the rights of neutrality.

*Ordered,* That a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favour of Samuel Hodgdon, assistant-commissary-general of military-stores, for 11,266 $\frac{1}{3}$  dollars, in bills of the new emission, for the purpose of furnishing arms and other articles for the use of the state of Virginia, the said Samuel Hodgdon to be accountable ; and that the supplies furnished, be charged to the said state of Virginia.

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THURSDAY, May 31, 1781.

On a report of the board of treasury,

*Ordered,* That on the application of the honorable the delegates for the state of Virginia, upon an estimate furnished by George Nicholson for David Ross, agent for the said state, a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favour of the said George Nicholson, for 10,000 dollars of the new emission, for the purpose of paying for the repairs of



arms and other purposes in the said estimate set forth, the said state of Virginia to be accountable.

The committee, consisting of Mr. Varnum, Mr. Atlee, Mr. Bland, to whom was re-committed their report on the motion of Mr. Bland; and who were directed to confer with the board of war, delivered in a report; whereupon it was resolved as follows:

Whereas the British king, regardless of the rights of mankind, and of the United States in particular, continues the ravages of war with relentless fury; and whereas the enemy's force is principally operating in the states of Virginia, the Carolinas and Georgia; and whereas the deficiency of the continental regular lines, makes it absolutely necessary to call forth a respectable body of militia, till those lines be completed; it is therefore earnestly recommended to the state of Pennsylvania, immediately to raise, arm, accoutre and equip for the field, four battalions of infantry, each battalion to consist of nine companies of 64 rank and file each; also a company of artillery, consisting of 32 matrosses; and a corps of horse, consisting of 64 troopers; each corps to be officered as near as may be to similar corps in the continental army, according to the establishment of the 3d and 21st October, 1780: It is also earnestly recommended to the state of Delaware, to immediately raise, arm, equip and accoutre for the field, one battalion of infantry, consisting of nine companies of 64 rank and file each; and a corps of horse, consisting of 32 troopers; to be officered in manner aforesaid: It is also earnestly recommended to the state of Maryland, immediately to raise, arm, equip and accoutre for the field, two battalions of infantry, consisting of nine companies of 64 rank and file each; and a corps of cavalry of 64 troopers; to be officered in the manner aforesaid. And it is further recommended to the states of Pennsylvania, Delaware and Maryland, to cause the said troops, as soon as raised, armed, accoutred and equipped, as aforesaid, to be marched by detachments or otherwise, to such place or places as the commander in chief shall direct, to remain in service for and during the space of three months, from the time of their respectively rendezvousing at the place or places directed, unless sooner discharged by Congress or the commander in chief, and to be subject to the orders of the said commander in chief. And be it ordained by the United States in Congress assembled, that the troops aforesaid shall receive the same pay, rations and subsistence, as the troops of the army of the United States.

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SATURDAY, June 2, 1781.

On motion of Mr. Houston, seconded by Mr. Atlee,

*Resolved*, That all bills of credit which issue in pursuance of the act of the 18th March, 1780, in any of the states, after the expiration of one year from the time the interest on such bills begins to be computed, be marked by writing or stamping before they are issued, with the words or character, Int. pd. 1 year.

That such of the said bills as have already issued, or may issue in the course of a year from the time interest begins to be computed on them, be, when such interest is paid, marked in like manner, to prevent the necessity and expense of exchanging them:

That where any state hath adopted similar adequate provisions, these shall not operate:



That the several states suspend, as far as possible, the issuing of such part of their respective quotas of the said bills as remain to be issued.

On the question to agree to this last, the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	}	ay
	Mr. Livermore,	ay		
<i>Massachusetts,</i>	Mr. Lovell,	ay	}	ay
	Mr. Ward,	ay		
<i>Rhode-Island,</i>	Mr. Varnum,	ay	}	*
<i>Connecticut,</i>	Mr. Huntington,	ay		
<i>New-Jersey,</i>	Mr. Houston,	ay	}	*
<i>Pennsylvania,</i>	Mr. Atlee,	ay		
	Mr. Clymer,	ay	}	ay
<i>Maryland,</i>	Mr. Jenifer,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	*
	Mr. Madison,	ay		
	Mr. Bland,	ay	}	ay
<i>North-Carolina,</i>	Mr. Sharpe,	ay		
	Mr. Johnson,	ay	}	ay
<i>South-Carolina,</i>	Mr. Matthews,	no		
	Mr. Bee,	ay	}	ay
	Mr. Motte,	ay		
	Mr. Eveleigh,	ay	}	ay
<i>Georgia,</i>	Mr. Few,	ay		
	Mr. Howly,	ay	}	ay

So it was resolved in the affirmative.

A motion was made, that after the word "issued" be added, "until further measures be taken to secure their value."

On the question to agree to this, the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	}	no
	Mr. Livermore,	no		
<i>Massachusetts,</i>	Mr. Lovell,	no	}	no
	Mr. Ward,	no		
<i>Rhode-Island,</i>	Mr. Varnum,	no	}	*
<i>Connecticut,</i>	Mr. Huntington,	no		
<i>New-Jersey,</i>	Mr. Houston,	no	}	*
<i>Pennsylvania,</i>	Mr. Atlee,	no		
	Mr. Clymer,	no	}	no
	Mr. T. Smith,	no		
<i>Maryland,</i>	Mr. Jenifer,	no	}	*
<i>Virginia,</i>	Mr. Jones,	ay		
	Mr. Madison,	no	}	ay
	Mr. Bland,	ay		
<i>North-Carolina,</i>	Mr. Sharpe,	no	}	no
	Mr. Johnson,	no		
<i>South-Carolina,</i>	Mr. Matthews,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no	}	no
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Few,	no	}	no
	Mr. Howly,	no		



So it passed in the negative.

MONDAY, June 4, 1781.

Mr. Sherman and Mr. Ellsworth, two delegates for the state of Connecticut, attended, and took their seats; the former having produced his credentials, which were read.

A letter, of this day, from R. Morris, was read; whereupon,

*Resolved*, That the disposition and management of that part of the money, granted by his most Christian majesty to these United States, which is to be employed in America, be committed to the superintendant of finance, that it may be applied to the purposes for which it was granted, namely, a vigorous prosecution of the present campaign:

That what remains unfold of the bills of exchange drawn by order of Congress on the ministers plenipotentiary of these United States respectively at Versailles, Madrid and the Hague, be also committed to the superintendant of finance, to be by him disposed of for the purpose above-mentioned: provided, that none of the bills drawn upon the ministers at Madrid and the Hague, be sold until he shall have assurances that funds are provided for paying them:

That the said superintendant of finance be, and he is hereby vested with full powers to dispose of the specific supplies required from the several states by the act of the 4th November last, as well as what yet remain to be furnished, agreeably to the requisition of the 25th February, 1780, in such manner as he, with the advice of the commander in chief, shall judge will best promote the public interest, and answer the purposes of the present campaign.

On a report from the board of war,

*Resolved*, That colonel James Wood be, and he is hereby authorized and directed, in case the supplies of provisions, forage and wag-gons necessary for the immediate march of the convention troops, and the guards under his command, cannot be otherwise obtained, to impress the same, and to give information thereof to the executives of the states within whose limits he shall be obliged to take such measures.

A letter, of this day, from the supreme executive council of Pennsylvania, was read, informing that the honorable house of assembly, have desired the board to request a conference with a committee of Congress, on the quarter-master's and commissary's certificates, and addressing Congress for this purpose:

*Ordered*, That a committee of three be appointed to confer with the supreme executive council of the state of Pennsylvania, on the subject above-mentioned:

The members, Mr. T. Smith, Mr. Motte, Mr. Johnson.

The committee, consisting of Mr. Varnum, Mr. Bee and Mr. M'Kean, to whom was referred their report on the motion of Mr. Madison, respecting the court of appeals, reported an ordinance on that subject, which was read a first time:

*Ordered*, That to-morrow be assigned for the second reading of the said ordinance.

A report from the board of treasury was read; whereupon,

*Ordered*, That the board of war take measures for the payment of 666 $\frac{2}{3}$  dollars, of the value of specie, to Joseph Carson and others,



owners of the sloop Carolina Packet ; that sum having been found due to them for the passages of sundry officers and their families from Charlestown, and for demurage awarded to them for the detention of the sloop aforesaid at Charlestown.

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WEDNESDAY, June 6, 1781.

On a report of the board of treasury :

*Ordered,* That the treasurer of loans sign and transmit to Nathaniel Appleton, commissioner of the continental loan-office for the state of Massachusetts, to be by him issued to Nathaniel Barrett, two sets of exchange, of the tenor and date of two sets drawn by the United States on the commissioners at Paris, in favour of Mr. John Loring or order, No. 73, for 24 dollars, and No. 76, for 30 dollars ; both dated November 10th, 1778, and issued by the commissioner of the continental loan-office for the state of Massachusetts aforesaid : which by proofs and affidavits lodged at the board of treasury, appear to have been lost ; except that each set, now drawn, consist of the 5th, 6th, 7th and 8th bills, one of the 8th only to be paid : that the treasurer of loans furnish the said Nathaniel Barrett with quadruplicate letters of advice, each containing a certified copy of the foregoing order ; and that the said Nathaniel Barrett enter into bond to the loan-officer aforesaid, on behalf of the United States, with two or more sufficient freeholders as sureties, in double the amount of the value of the said bills, with condition to indemnify the United States against the holder or holders of any of the bills aforesaid, which are said to be lost, should any such appear.

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FRIDAY, June 8, 1781.

A report from the board of war was read ; whereupon,

*Ordered,* That the board take order for having all the arms at this post immediately repaired ; and that these arms, as well as those ordered on by the commander in chief, be sent forward to the southern states, in such proportions as shall be thought expedient towards arming the continental troops and militia of those states.

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MONDAY, June 11, 1781.

*Ordered,* That Wednesday next be assigned for electing a secretary for foreign affairs.

On motion of Mr. Varnum, seconded by Mr. Matthews,

*Resolved,* That the officers of the hospital and medical-department, now in service, be allowed the depreciation upon their pay, in the same manner as officers of the line of the army.

The report of the committee on the post-office, to whom was referred a paragraph of a letter from the director-general, was taken into consideration ; whereupon,

*Resolved,* That the resolution of 28th December, 1779, be extended to the director of the hospital, so that all letters to and from him be free.

A report from the board of war, on the letter from the director of the hospitals, was read ; whereupon,

*Ordered,* That the sum of 8545 $\frac{1}{3}$  dollars in specie or other money



equivalent, be immediately put into the hands of the purveyor of the military-hospitals in part of the estimate laid before Congress by the medical-committee, to enable him to purchase an immediate supply for the use of the sick, and to prepare for the immediate exigencies of the campaign in the hospital-department :

That the sum of 16,116 dollars, in specie or other money equivalent, be advanced to the said purveyor, for three months pay, to be paid by him on account to the officers of the medical-department :

That a warrant be drawn on the treasurer of the state of New-York, for 6000 dollars, and another on the treasurer of Virginia for 4000 dollars, in specie or other money equivalent, in part of the above sum of 16,116 dollars, in favour of the said purveyor or his order ; and that the residue, viz. 6116 dollars, be paid him at Philadelphia, in specie or other money equivalent :

That 4200 dollars, in specie or other money equivalent, be paid to the said purveyor, to be put into the hands of stewards at established hospitals, to purchase milk and vegetables and discharge small incidental charges at fixed hospitals.

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TUESDAY, June 12, 1781.

Mr. G. Patridge, a delegate for Massachusetts, attended ; Mr. Samuel Osgood, another delegate for Massachusetts, attended, and produced the credentials of his appointment, which were read.

Mr. Richard Potts, a delegate for the state of Maryland, attended, and took his seat.

A report from the board of war was read ; whereupon,

*Ordered*, That the commanding-general of the Pennsylvania line, now in that state, arrange the brigade-chaplains, of that line, so as to retain no more chaplains therein than are equal to the number of brigades, and certify to the board of war such as shall be deemed supernumerary, in the same manner as the commanding-general of the northern-army might have done under the resolve of the 8th day of May last.

A report of the board of war was read, enclosing a letter of the 6th, from the commander in chief, respecting the convention prisoners ; whereupon,

*Resolved*, That Congress approve the reasons given by the commander in chief, for halting the convention prisoners for the present in the state of Pennsylvania.

*Ordered*, That Friday next be assigned for electing five hospital-physicians and surgeons, in the room of those resigned and promoted.

On motion of Mr. Sullivan, seconded by Mr. Matthews,

*Resolved*, That letters to and from the superintendant of finance be free from postage.

A report from the board of admiralty was read ; whereupon,

*Resolved*, That the balances now due to the officers, seamen, landmen and mariners, in the sea-service, and the sums that shall hereafter become due to them, either for wages, subsistence or bounty, shall be paid in specie or other money equivalent, according to the current rate of exchange at the time of payment ; any resolution of Congress to the contrary notwithstanding.



*Resolved*, That depreciation of pay and subsistence, be settled in behalf of the officers and men of colonel Armand's legion, in the same manner and on the same principles as is provided for colonel Hazen's regiment.

The board of war, to whom was referred a motion of the delegates of Virginia, made report ; whereupon,

*Resolved*, That it be earnestly recommended to the state of Pennsylvania, to raise, accoutre and equip Moylan's legionary corps to its full complement, the men to be raised for three years, unless sooner discharged :

That it be also earnestly recommended to the said state immediately to raise and equip three troops of militia cavalry, properly officered, including those called for by the act of the 31st of May last, to serve with the southern-army for three months from the time of their arrival at the said army, each troop to consist of 64 non-commissioned officers and privates :

That the said cavalry be marched by detachments, as they are completed, to the southern-army ; and the militia cavalry discharged in proportion to the numbers enlisted into Moylan's regiment, and joining the said army properly armed and accoutred :

That the said militia cavalry be sent forward with every degree of dispatch, without waiting for the march of the militia infantry required by Congress from that state :

That it be earnestly recommended to the state of Maryland to arm, equip, mount and accoutre two troops of militia horse, including those called for by the resolution of the 31st of May last, consisting of 64 non-commissioned officers and privates each, with the proper number of commissioned officers ; and send them forward with all-possible expedition to the southern-army, and without waiting for the march of the infantry requested by Congress from that state ; to continue in service three months from the time they join the said army.

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WEDNESDAY, June 13, 1781.

An act of the state of New-Jersey, was read, empowering Congress to levy and collect the duties described in their resolution of 3d February last.

*Resolved*, That it be, and hereby is recommended to the several states, to which the officers of the hospital and medical-department now in service, respectively belong, or of which they are or were inhabitants, to settle the accounts of the said officers for depreciation, on the principles established by the resolution of Congress of the 10th of April, 1780 ; and to make provision for paying the balances that may be found due, in the same manner with officers of the line :

That each state which shall advance more money in making good the depreciation to its respective citizens than its proper proportion, shall be allowed for the same on account of the United States.

The board of war, to whom was referred a letter of the 17th of April from governor Trumbull, report,



“ That from colonel Nicola’s return, it appears that there are no invalids from the Connecticut line at this post, and only 30 at Boston ; that, however, as the commander in chief has called for the whole to compose part of the garrison at West-Point, the board are of opinion the general’s requisition should be complied with :

*Resolved*, That Congress agree to the said report.

*Ordered*, That the election of a secretary for foreign affairs be postponed till Friday next.

*Ordered*, That Mr. Ward have leave of absence.

THURSDAY, June 14, 1781.

A report from the board of war was read ; whereupon,

*Resolved*, That the resolution of the 27th of May, 1777, on the subject of brigade-chaplains, is not to be construed so as to vacate the commissions or appointments of the regimental-chaplains, then holding such commissions and performing the duties thereof, until the appointment of brigade-chaplains took place.

On motion of Mr. Matthews, seconded by Mr. Sharpe,

That the minister plenipotentiary of these United States at the court of Versailles, be authorized and empowered to offer lieutenant-general Burgoyne in exchange for the hon. Henry Laurens.

On the question to agree to this, the yeas and nays being required by Mr. Atlee,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay
	Mr. Patridge,	ay	
	Mr. Ward,	ay	
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
	Mr. Huntington,	ay	
	Mr. Ellsworth,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay
	Mr. Houston,	no	
	Mr. Montgomery,	ay	
	Mr. Atlee,	no	
	Mr. Clymer,	no	
<i>New-Jersey,</i>	Mr. T. Smith,	no	} ne
	Mr. Rodney,	ay	
	Mr. M <sup>c</sup> Kean,	ay	
<i>Pennsylvania,</i>	Mr. Fenifer,	ay	} ay
	Mr. Carroll,	no	
<i>Delaware,</i>	Mr. Potts,	ay	} ay
	Mr. Jones,	ay	
	Mr. Madison,	no	
	Mr. Bland,	ay	
<i>Maryland,</i>	Mr. M. Smith,	ay	} ay
	Mr. Sharpe,	ay	
	Mr. Johnson,	ay	
<i>Virginia,</i>			
<i>North-Carolina,</i>			



South-Carolina,	Mr. Matthews,	ay	} ay
	Mr. Motte,	ay	
	Mr. Eveleigh,	ay	
Georgia,	Mr. Walton,	ay	} ay
	Mr. Few,	ay	
	Mr. Howly,	ay	

So it was resolved in the affirmative.

SATURDAY, June 16, 1781.

On report of a committee, consisting of Mr. Jones, Mr. M'Dougall, Mr. Sullivan, to whom was referred a letter of February 3d, from general Washington :

*Resolved*, That all acts and regulations of Congress empowering commanding-officers of regiments or corps, to grant furloughs to non-commissioned officers and soldiers belonging to their respective corps, be, and hereby are repealed ; and that in future no furloughs be granted but by the commander in chief, or the commander of a separate department, or by such persons as they or either of them may appoint for that purpose :

That all furloughs be in the form following :

The bearer hereof \_\_\_\_\_ in the \_\_\_\_\_ regiment  
of \_\_\_\_\_ is hereby permitted to be absent on furlough for  
\_\_\_\_\_ days from the date hereof : and all officers, civil and mili-  
tary, are requested to suffer him to pass to \_\_\_\_\_ and re-  
turn to his regiment without molestation, he behaving as becometh  
him. This permit to be valid no further than to the above-mentioned  
place, and no longer than for the above-mentioned time. Given at  
the \_\_\_\_\_ day of \_\_\_\_\_ 178

Registered in the books of the regiment.

Adjutant.

That all discharges be in the following form :

The bearer hereof \_\_\_\_\_ in the \_\_\_\_\_ regiment  
of \_\_\_\_\_ and in captain \_\_\_\_\_ company, having  
served during \_\_\_\_\_ being the term for which he was en-  
gaged, is hereby discharged from the said regiment, in which we cer-  
tify that he hath behaved as a brave and faithful soldier. Given at  
this \_\_\_\_\_ day of \_\_\_\_\_ 178

Registered in the books of the regiment.

Adjutant.

That the furloughs and discharges granted, be registered in the books of the regiment :

That when any non-commissioned officer or soldier shall return home, and does not within ten days after his return, produce his furlough or discharge to the nearest magistrate, he shall be liable to be apprehended and treated as a deserter :

*Ordered*, That the board of war procure printed forms of furloughs and discharges, and forward them, from time to time, to the commander in chief.

The committee having recommended that general and garrison courts-martial in the army of these United States, be authorized to sentence delinquents to receive any number of lashes, not exceeding



500, or may order such delinquents to serve on board any armed vessel belonging to these states, or to labour on public works for a reasonable time, according to the discretion of the said court, any former act or resolution to the contrary notwithstanding.

On the question to agree to this, the yeas and nays being required by Mr. Sherman,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} divided.
	Mr. Livermore,	no	
<i>Massachusetts,</i>	Mr. Patridge,	no	} no
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	no	} *
	Mr. Huntington,	no	
<i>Connecticut,</i>	Mr. Ellsworth,	no	} no
	Mr. Sherman,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Atlee,	ay	
<i>Delaware,</i>	Mr. Clymer,	ay	} ay
	Mr. T. Smith,	ay	
<i>Maryland,</i>	Mr. Rodney,	no	} no
	Mr. M. Kean,	no	
<i>Virginia,</i>	Mr. Jenifer,	no	} ay
	Mr. Carroll,	ay	
<i>North-Carolina,</i>	Mr. Potts,	ay	} no
	Mr. Madison,	ay	
<i>South-Carolina,</i>	Mr. Bland,	no	} no
	Mr. M. Smith,	no	
<i>Georgia,</i>	Mr. Sharpe,	no	} divided.
	Mr. Johnson,	ay	
	Mr. Matthews,	ay	} ay
	Mr. Motte,	ay	
	Mr. Eveleigh,	ay	} divided.
	Mr. Walton,	ay	
	Mr. Howly,	no	

So the question was lost.

MONDAY, June 18, 1781.

A report from the board of war was read; whereupon,

*Resolved,* That depreciation of pay and subsistence be settled in behalf of the officers and men of captain Van Heer's troop of Marachauffee, in the same manner and on the same principles as is provided for colonel Hazen's regiment.

*Ordered,* That the board of war take proper measures for paying 178 dollars, or the value thereof in the new emissions, for the passage of sundry officers from Charleston to Philadelphia.

The committee, consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe, to whom was recommitted their report on the clothier's-department, together with a letter of J. Moylan, clothier-general, delivered in a report, which was taken into consideration; and, thereupon,

*Resolved,* That all state purchases of clothing on continental ac-



count, and all state appointments and regulations in the clothing-department on continental account, be abolished on the first day of September; at or before which time, the sub and agent clothiers are to deliver to the clothier-general or his order, all clothing procured at continental expense which they may then have on hand, taking his receipt therefor, a duplicate whereof to be transmitted to the treasury-office.

On the question to agree to this, the yeas and nays being required by Mr. Sherman,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Patridge,	no	} no
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Varnum,	ay	} *
<i>Connecticut,</i>	Mr. Huntington,	ay	
	Mr. Sherman,	no	} divided.
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	
	Mr. Atlee,	ay	} ay
	Mr. Clymer,	ay	
	Mr. T. Smith,	ay	
<i>Delaware,</i>	Mr. Rodney,	ay	} *
<i>Maryland,</i>	Mr. Jenifer,	ay	
	Mr. Carroll,	ay	} ay
	Mr. Potts,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Bland,	ay	
	Mr. M. Smith,	ay	
<i>North-Carolina,</i>	Mr. Sharpe,	ay	} ay
	Mr. Johnson,	ay	
<i>South-Carolina,</i>	Mr. Matthews,	ay	} ay
	Mr. Bee,	ay	
	Mr. Matte,	ay	
	Mr. Eveleigh,	ay	} ay
<i>Georgia,</i>	Mr. Walton,	ay	
	Mr. Few,	ay	
	Mr. Howly,	ay	

So it was resolved in the affirmative.

*Resolved,* That the clothier-general, in the month of June, annually, make and deliver in to the board of war, an estimate of clothing and disbursements for clothing for a year from the first day of November then next, that Congress may be enabled to furnish the proper sums, and adopt the necessary measures for procuring the same.

That all non-commissioned officers and soldiers, who are or may hereafter be enlisted during the war, be annually furnished with one regimental coat, full made; one cloth vest; one pair of cloth breeches; one pair of woollen overalls; two pair of woollen hose; two pair of woollen socks; one felt hat or leather cap; four shirts; two pair of linen overalls; four pair of strong shoes; one blanket; one rifle shirt,



and one pair of woollen gloves : also, one pair of shoe-buckles and one stock clasp, every two years :

The dragoons to receive two pair of boots and one pair of spurs, instead of the shoes and buckles, annually ; also, a horse-man's cloak every two years :

That the commander in chief, and the commanding-general in a separate department, respectively be, and hereby are authorized to direct what clothing shall, from time to time, be dealt out to the artificers and waggoners, having regard to the nature of their service and the terms of their contract and time for which they are engaged :

That summer-clothing be ready to be issued on the 15th day of April, annually, and the winter-clothing on the 1st day of November following, and be delivered at such time as the commander in chief or commanding-general, in a separate department, shall direct :

That the clothier-general deal out the clothing regimentally ; and keep regular accounts against the respective regimental-clothiers, taking particular care to have the clothing equally and impartially distributed when it is found incompetent for the whole army :

That previous to the day of general issue, the regimental-clothiers settle their accounts with the clothier-general, and receive his certificates of the arrearages of clothing due to their respective regiments, and present him with a return of the number of men for whom clothing is to be drawn on the day of general issue ; the said return to be examined and certified by the officer commanding their respective regiments, and signed by the brigadier or officer commanding the brigade :

That all extra issues to detachments, or for accidental loss of clothing, be by certificate of the commanding-officer of the regiment or detachment to which the non-commissioned officers or soldiers, in whose behalf such application is made, shall belong ; the said certificate being approved and signed by the commander in chief or commanding-general of a separate army :

That all issues of clothing be made from the magazines or places of general issue with the army ; and, to avoid the necessity of detached issues, the officers commanding parties or detachments are to be answerable that they are supplied, so far as may be, from the magazines or stores at camp, previous to their leaving the army to which they belong :

That no article of clothing be issued by the clothier-general, his deputies or assistants, but by return and certificates made and approved as aforesaid :

That no non-commissioned officer or soldier who is not engaged during the war, or for the term at least of one year, be furnished with any article of clothing :

That the clothier-general, from time to time, notify the pay-master-general of all surpluses of clothing, specifying the corps to which they belong, that stoppages may be made therefor :

That he make return to the board of war of all clothing on hand, and persons employed in the department, with the wages given to each, regularly, once in every two months :

That the quarter-master-general, and his deputies in the several states, shall, on the requisitions of the clothier-general, furnish the



means of transportation of all articles of clothing from the places where imported, received or purchased, to the places of deposit; and a careful waggon-master or conductor, to be appointed by the quarter-master-general or some of his deputies, shall proceed with the clothing, who shall be answerable for all deficiencies on the road, unless they shall be able to shew that the same happened by unavoidable accidents, and not through their misconduct or want of attention:

That in case of injuries or deficiencies happening in the transportation of clothing, the clothier stationed at the magazine or place of deposit, shall represent the matter to the nearest commanding-officer of the troops of the United States, that the waggon-master or conductor, having had charge of the clothing so damaged or deficient, may be tried by a court-martial, and if found guilty, compelled to restore the goods lost, or their value, or make satisfaction for damages accrued through his negligence or mismanagement, or be punished according to the nature of the offence by judgment of the court-martial:

That the clothier-general have the management, direction and superintendence of hides, subject to the orders of the board of war, with full power to call for proper returns from such persons as have heretofore had the management of hides:

That all commissaries make monthly returns to the clothier-general of the hides on hand, and that the commissary-general make monthly returns to him of all the live-cattle delivered over to the commissaries of the army:

That the quarter-master-general or his deputy, on the application of the clothier-general, or either of his deputies, furnish waggons for transporting raw or manufactured hides to such places as they shall direct:

That the clothier-general, with the concurrence of the superintendent of finance, be authorized to appoint such number of persons to transact the business of the clothing-department, during the present campaign, as they may, from time to time, find necessary, and to ascertain their wages:

That the clothier-general make monthly returns to the commander in chief.

That all resolutions heretofore passed respecting the clothing and hide-departments, inconsistent with this arrangement and the resolutions now passed, be, and they are hereby repealed.

On the report of a committee, consisting of Mr. Ward, Mr. Sullivan and Mr. Motte, to whom was referred a memorial of colonel Hazen:

*Resolved*, That the clothier-general furnish the Canadian officers belonging to col. M. Hazen's regiment, with a suit of clothes, on the same terms clothing hath been furnished by the state of Massachusetts to their officers:

That one year's interest, upon the balances due on the first of January, 1780, to the Canadian officers and soldiers of that regiment, be added to and included in their certificates:

That Congress will make the 24 dollars, granted as a bounty to those soldiers, equal in value to the bounty or allowance of the state of Massachusetts granted to the soldiers of that state serving in the same regi-



ment; and that the board of treasury add the same to their certificates, in lieu of the sum of 24 dollars granted by the resolution of the 20th April last.

— ❁ —  
WEDNESDAY, June 20, 1781.

On the report of a committee, consisting of Mr. Houston, Mr. Sherman, Mr. Atlee, to whom was referred a letter of the 12th, from Charles Pettit, desiring leave to resign:

*Resolved*, That Charles Pettit, assistant quarter-master-general, be permitted to resign that office agreeably to his request:

That the office of assistant quarter-master-general be abolished; and that the duties of the said office be performed by the quarter-master-general, and his deputies under his direction.

On motion of Mr. Sherman, seconded by Mr. Patridge,

*Resolved*, That the post-master-general be directed immediately to employ a post-rider, in the room of him who was lately taken by the enemy between Fish-Kill and Morris-town; and to apply to the board of war for an escort on that part of the way where the riders are exposed to be interrupted by the enemy.

On motion of Mr. Matthews, seconded by Mr. Bee,

*Resolved*, That the board of war be directed to furnish governor Rutledge with four waggons, for transporting clothing to the state of South-Carolina; which waggons, when discharged by the said governor Rutledge, to be delivered over to the orders of the commanding-general of the southern-army.

The committee, consisting of Mr. Sullivan, Mr. Atlee, Mr. Bland, to whom was referred a report of the board of treasury, on the accounts of colonel D. Campbell, delivered in a report; whereupon,

*Ordered*, That the report of the board of treasury on the accounts of colonel D. Campbell, with the papers be re-committed to the board of treasury for final settlement; and that the board credit colonel Campbell, in the settlement of his accounts, with the sum of £. 15 : 14 : 6, for loss on gold and silver, and also credit him for interest on such balance as may be found due to him from the United States, but that the balance of the difference between the clothing charged and the clothing credited be disallowed.

The committee, consisting of Mr. Lovell, Mr. Sharpe, Mr. Bee, to whom was referred a letter and memorial of 7th May from John Rofs, delivered in a report; whereupon,

*Resolved*, That Robert Morris, Esq; be, and he is hereby empowered to deliver to John Rofs, in part payment of his account, the bills of exchange which were committed to him to be disposed of by a resolution of the 4th of this month, the restrictions in the said resolution notwithstanding, the said J. Rofs agreeing, &c.

On the question to agree to this, the yeas and nays being required by Mr. Varnum,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	



<i>Rhode-Island,</i>	Mr. <i>Varnum,</i>	<i>no</i>	}	*
<i>Connecticut,</i>	Mr. <i>Huntington,</i>	<i>ay</i>		
	Mr. <i>Ellsworth,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Sberman,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Clymer,</i>	<i>ay</i>		
	Mr. <i>T. Smith,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Rodney,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>M'Kean,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Potts,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Jones,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Madison,</i>	<i>ay</i>		
	Mr. <i>M. Smith,</i>	<i>ay</i>		
<i>North-Carolina,</i>	Mr. <i>Sharpe,</i>	<i>ay</i>	}	*
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>ay</i>		
	Mr. <i>Bee,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Motte,</i>	<i>ay</i>		
	Mr. <i>Eveleigh,</i>	<i>ay</i>	}	<i>ay</i>
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>		
	Mr. <i>Few,</i>	<i>ay</i>	}	<i>ay</i>

So it was resolved in the affirmative.

THURSDAY, June 21, 1781.

A report from the board of treasury was read ; whereupon,

*Resolved,* That the depreciation for pay and subsistence, directed to be settled by the act of the 12th inst. in favour of the officers and men of colonel Armand's legion, be extended to the time those officers and men served in count Pulaski's legion, who are now in col. Armand's.

On a report of a committee, consisting of Mr. Atlee, Mr. Varnum, Mr. Bee, to whom was referred a petition of captain Ysnardy :

*Resolved,* That captain Ysnardy be allowed the value of the several articles made use of in the defence of Charleston, for which he has produced vouchers, and that they be referred to the board of treasury to ascertain the value and take orders thereon :

That captain Ysnardy, and the crew of his ship who were employed during the siege in one of the bastions, be allowed the same pay and subsistence as is allowed to artilleryists while on duty ; and that the paymaster-general be directed to settle and pay the same ; and,

That the remaining part of the petition, respecting loan-office certificates, be referred to the board of treasury to take order.

On motion of Mr. Montgomery, seconded by Mr. Sherman,

*Resolved,* That a vice-consul be appointed to reside in France, who shall exercise all the powers, and perform the services required of William Palfrey, during his absence from that kingdom, or during the pleasure of Congress ; and be allowed a salary of 1000 dollars per annum, in lieu of all commissions for business done on account of the United States of America :

*Ordered,* That Monday next be assigned for electing a vice-consul.

On motion of the delegates of Virginia,

*Resolved,* That the commissary-general of purchases be authorized



to exchange with ——— Nicholson, agent for the state of Virginia, now in Philadelphia, so much of the flour within the states of Pennsylvania, Delaware or Maryland, belonging to the United States, as Mr. R. Morris, with the advice and concurrence of the commander in chief, shall approve, for a like quantity to be delivered in the state of Virginia by the aforesaid agent.

FRIDAY, June 22, 1781.

A letter, of the 21st, from Mr. R. Morris, was read; whereupon,  
*Resolved*, That Mr. R. Morris be, and he is hereby empowered and directed to take order for discharging the debt due from the United States to the Pennsylvania bank, and that the bills of exchange drawn on the ministers of these United States at the courts of Madrid and the Hague, and lodged with the Pennsylvania bank, be put under the direction of the said Robert Morris, to be by him disposed of in such manner as he shall think proper, for the use and benefit of the United States of America.

A committee, consisting of Mr. T. Smith, Mr. Motte, Mr. M'Kean, Mr. Sherman, appointed to ascertain the allowance to be made for burning the bills of credit of the old emissions, delivered in a report; whereupon,

*Resolved*, That the commissioners appointed to examine and burn the bills of credit of the old emissions, be allowed for that service, each the sum of two dollars specie, for every day they shall be respectively employed therein; and that the said commissioners report weekly to the board of treasury, the number and amount of the bills by them examined and burned.

SATURDAY, June 23, 1781.

A committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, to whom was referred two letters of 22d from Mr. R. Morris, delivered in a report; whereupon,

*Resolved*, That Robert Morris, Esq; be, and he is hereby authorized and directed to take measures for the speedily launching and equipping for sea the ship America, now on the stocks at Portsmouth, in New-Hampshire:

That the board of admiralty be, and they are hereby directed to assign Mr. R. Morris the produce of the share of the United States in the prizes taken by captain Barry, to enable Mr. Morris to carry into execution the preceding resolution:

That Congress proceed on Tuesday next to the appointment of a commander to the said ship America.

MONDAY, June 25, 1781.

According to the order of the day, an ordinance for establishing a court of appeals in cases of capture, was on the second reading debated by paragraphs: and on a question to agree "that the judges of the said court shall hold their commissions during good behaviour;" the yeas and nays being required by Mr. T. Smith,

New-Hampshire,	Mr. Sullivan,	no	} no
	Mr. Livermore,	no	



<i>Massachusetts,</i>	Mr. Lovell,	no	} no
	Mr. Patridge,	ay	
	Mr. Osgood,	no	
<i>Connecticut,</i>	Mr. Huntington,	no	} no
	Mr. Ellsworth,	no	
	Mr. Sherman,	no	
<i>New-Jersey,</i>	Mr. Witherspoon,	no	} no
	Mr. Houston,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Clymer,	ay	
	Mr. T. Smith,	ay	
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	} *
<i>Maryland,</i>	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Potts,	ay	} ay
	Mr. Jones,	ay	
	Mr. Madison,	no	} ay
	Mr. Bland,	ay	
	Mr. M. Smith,	ay	
<i>North-Carolina,</i>	Mr. Sharpe,	ay	} ay
	Mr. Johnson,	ay	
<i>South-Carolina,</i>	Mr. Matthews,	ay	} ay
	Mr. Bee,	ay	
	Mr. Eveleigh,	ay	
<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Mr. Few,	ay	

So the question was lost.

— \* —

TUESDAY, June 26, 1781.

A letter, of this day, from John L. Clarkson, was read; whereupon,

*Ordered,* That John L. Clarkson be allowed, in addition to his salary as clerk to the board of treasury, a sum at the rate of 250 dollars per annum, for extra services in executing the duties of secretary of that board.

A report from the board of war was read; whereupon,

*Resolved,* That it be recommended to the states of Delaware, Maryland and Virginia, to settle with the officers and men of the invalid regiment, who are citizens of those states, on certificates from the commanding-officer of the regiment, without requiring their personal attendance on the auditors or persons appointed by the said states respectively, to liquidate their accounts for depreciation.

The committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, to whom were referred the letters from Mr. Morris, delivered in a further report; whereupon,

*Resolved,* That an agent for the United States of America be appointed to reside at the Havannah:

*Ordered,* That to-morrow be assigned for electing the said agent; and that the committee who brought in this report prepare the draught of a commission and instructions for the said agent.

Congress proceeded to the appointment of a captain to command



the ship *America*: and, the ballots being taken, John P. Jones, Esq; was unanimously elected.

Congress proceeded to the election of a vice-consul, conformable to the resolution of the 21st of this month; and, the ballots being taken,

Thomas Barclay was elected, having been previously nominated by Mr. Clymer.

On motion of Mr. Houston, seconded by Mr. Sharpe,

*Resolved*, That the board of admiralty inform John Barry, Esq; commander of the frigate *Alliance*, that Congress approve his conduct in releasing the ship belonging to subjects of the republic of Venice, re-taken by him from a British privateer on the 4th of March last, it being their determination always to pay the utmost respect to the rights of neutral commerce.

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WEDNESDAY, June 27, 1781.

A report of the board of war was read; whereupon,

*Ordered*, That the board of war take order for the payment of lieutenant-colonel Nevil's passage from Chalestown to Philadelphia, in the same manner as has been allowed to officers under like circumstances.

The delegates of Pennsylvania, to whom was referred a report of the board of treasury on the claim of Christian Wirts, who under the appointment of the council of Pennsylvania of town-major of Lancaster, acted occasionally under the board of war in taking charge of prisoners, public stores, &c. made a report; whereupon,

*Ordered*, That the report of the board of treasury be re-committed, and that the board of treasury request the honorable William Atlee, Esq; Mathias Slough and Adam Rigart, Esqrs; to ascertain what compensation the said C. Wirts ought to receive for the services performed in the premises for the United States.

Congress proceeded to the election of an agent to reside at Havannah; and, the ballots being taken,

Mr. Robert Smith was elected.

*Resolved*, That it be the duty of the agent appointed to reside at Havannah, to manage the occasional concerns of Congress, to assist the American traders with his advice, and to solicit their affairs with the Spanish government, and to govern himself according to the orders he may, from time to time, receive from the United States in Congress assembled, or their superintendant of finance.

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THURSDAY, June 28, 1781.

A report from the board of war was read, enclosing an estimate of money wanted by the deputy quarter-master, for sending to the main army a number of public horses:

*Ordered*, That the same, together with the several estimates of the board of war for the present campaign, be referred to the superintendant of finance; and that he devise ways and means for furnishing such of them, as, upon consultation with the commander in chief and board of war, shall be deemed most essentially necessary:

That the superintendant of finance be furnished with an account of



the several requisitions of money, and supplies from the states, and that he take measures for calling upon them, and pressing a compliance with the said requisitions :

That he order such sums of money into the hands of the quarter-master-general, and the commissary of military-stores, as, upon consultation aforesaid, may be necessary for executing the duties required of them respectively :

That the bills of exchange in the hands of the board of war yet unfold, be delivered to the superintendant of finance.

*Ordered*, That a committee of three be appointed, to devise the proper mode of transferring to the superintendant of finance, the business of the several boards and departments to which the institution of his office extends, in order that the said boards and departments may be discontinued as soon as the situation of affairs will admit :

That the said committee confer with the superintendant of finance on the object of their appointment :

The members, Mr. Houston, Mr. Osgood, Mr. T. Smith.

A committee, consisting of Mr. Houston, Mr. Sherman, Mr. Atlee, to whom was referred a letter of the 12th inst. from the board of admiralty, delivered in a report ; whereupon,

*Resolved*, That the reason given by James Wharton for neglecting to render his accounts, cannot be admitted :

That the board of admiralty take measures to compel a settlement of those accounts without further delay.

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FRIDAY, June 29, 1781.

A report from the board of war was read ; whereupon,

*Resolved*, That colonel Moses Hazen be, and he hereby is appointed a brigadier in the army of the United States by brevet.

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MONDAY, July 2, 1781.

A letter, of the 24th of June, from general Washington, was read, informing Congress that he has requested 300 expert rifle-men to be furnished by the state of Pennsylvania, for the present campaign ; whereupon,

*Resolved*, That Congress approve the said request, and that his excellency the president and supreme executive council of Pennsylvania, be informed that the United States in Congress assembled, will allow a deduction of the like number from the infantry militia required of the said state for the southern service ; and that whatever bounty they shall think proper to grant to this corps of troops, shall be re-paid to the state, and the men shall be allowed pay, rations, and complete continental establishment, equal to the other troops in the field, during the time they are in service.

*Resolved*, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of the independence on Wednesday next :

The members, Mr. Clymer, Mr. Carroll, Mr. Walton.

*Resolved*, That the board of war take order for furnishing the table of the commander in chief.



*TUESDAY, July 3, 1781.*

A report from the committee of commerce was read ; whereupon,  
*Ordered,* That Henry Gardner, Esq; treasurer of the state of Massachusetts, be directed to advance to Isaac Smith, of Boston, in behalf of himself and the other owners of the schooner Hawke, so many dollars in bills of the new emission as will be sufficient to pay them the sum of £. 70 sterling, being the amount of the freight and interest due thereon, by the said schooner Hawke ; and that the board of treasury issue a warrant accordingly.

*Ordered,* That Joseph Clark, commissioner of the continental loan-office for the state of Rhode-Island, pay to Messrs. Nicholas and John Brown, such a sum in the bills of the new emission, as will enable the said Nicholas and John Brown to take up and discharge a certain bill of exchange drawn on them by Messrs. Penet, D'Acosta Freres and Co. for 3738 livres, 14 sous, and 9 deniers tournois, dated Nantz, March 10, 1781, the said bill being for amount of a debt contracted by the said Nicholas and John Brown, as agents of the United States ; and that the board of treasury issue a warrant accordingly.

A report from the board of treasury was read ; whereupon,

*Resolved,* That for the greater dispatch in destroying the several emissions of the old continental currency as they come into the treasury of the United States, another commissioner be added to those already appointed for that purpose ; which commissioners, or any one of them, shall also examine, count and burn such of the emissions of May 20th, 1777, and April 11th, 1778, as are or may be deposited in the treasury aforesaid :

The commissioner elected, Mr. Nathaniel Donnel.

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*FRIDAY, July 6, 1781.*

On a report of a committee, consisting of Mr. Houston, Mr. Osgood, Mr. T. Smith, to whom was referred a letter of the 27th of June from the superintendant of finance :

*Resolved,* That the transactions of Robert Morris, Esq; as superintendant of the finances of the United States, previous to the taking of the oaths of office by him the said superintendant, be, and they are hereby declared to be valid and authentic to all intents and purposes whatsoever :

That the said Robert Morris be accountable for the same, in like manner with other his official transactions :

That the acceptance of the trust and powers granted to the said superintendant by certain resolutions of the assembly of Pennsylvania, bearing date the 25th day of June, 1781, will, in the opinion of Congress, have a tendency to promote the public service of the United States, wherefore they do approve thereof.

On report of a committee, consisting of Mr. Madison, Mr. Varnum, Mr. Sherman, to whom was referred a letter of 28th of June, from the superintendant of finance :

*Resolved,* That the superintendant of finance be, and he is hereby authorized to appoint an assistant in his department, who shall be entitled to an annual salary of 1850 Spanish milled dollars, to be paid quarterly from the treasury of the United States ; and two clerks who



shall be entitled each to the annual salary of 500 Spanish milled dollars, to be paid in like manner.

The president having informed the United States in Congress assembled, that his ill state of health will not permit him to continue longer in the exercise of the duties of that office, and requested leave of absence :

*Ordered*, That Monday next be assigned for electing a president.

The report of a committee, consisting of Mr. M. Smith, Mr. Sherman, Mr. Jenifer, to whom was referred a motion of Mr. M. Smith, was taken into consideration; and on the question to agree to the first paragraph, viz.

“That the election of a secretary of marine be postponed till the first Monday in November next.”

The yeas and nays being required by Mr. Sullivan,

<i>New-Hampshire</i> ,	Mr. Sullivan,	no	}	no
	Mr. Livermore,	no		
<i>Massachusetts</i> ,	Mr. Lovell,	no	}	no
	Mr. Patridge,	no		
	Mr. Osgood,	no		
	Mr. Varnum,	no		
<i>Rhode-Island</i> ,	Mr. Huntington,	no	}	no
<i>Connecticut</i> ,	Mr. Ellsworth,	no		
	Mr. Sherman,	no	}	ay
<i>Pennsylvania</i> ,	Mr. Montgomery,	no		
	Mr. Clymer,	ay		
	Mr. T. Smith,	ay	}	no
<i>Delaware</i> ,	Mr. Rodney,	no		
	Mr. M'Kean,	no		
<i>Maryland</i> ,	Mr. Jenifer,	no	}	ay
	Mr. Carroll,	ay		
	Mr. Potts,	ay		
<i>Virginia</i> ,	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	ay		
	Mr. M. Smith,	ay		
<i>North-Carolina</i> ,	Mr. Sharpe,	ay	}	ay
	Mr. Johnson,	ay		
<i>South-Carolina</i> ,	Mr. Matthews,	ay	}	divided.
	Mr. Bee,	no		
	Mr. Motte,	ay		
<i>Georgia</i> ,	Mr. Eveleigh,	no	}	ay
	Mr. Walton,	ay		
	Mr. Few,	ay		

So the question was lost.

*Ordered*, That the remainder be referred to a committee of three :  
The members, Mr. M'Kean, Mr. Ellsworth, Mr. Bland.

SATURDAY, July 7, 1781.

A letter, of the 14th April, from the board of admiralty, was called for, and a motion thereon being made and question put, “that the salary of the commissioners of the board of admiralty be augmented.”

Passed in the negative.



*Resolved*, That the application of the board of admiralty of the 2d, in behalf of themselves and the secretary of the board, for the payment of the balance of salary due to them, be referred to the superintendant of finance to take order.

On report of a committee, consisting of Mr. Johnson, Mr. Motte, Mr. Clymer, to whom were referred several papers accompanying an application of colonel Hazen :

*Resolved*, That the board of treasury, in the settlement of the depreciation due to that part of colonel Hazen's regiment not of the quota of any state, admit such evidence of the times of enlistment and periods of service, as have been accepted by any of the states in settling with other parts of the said regiment, and that the said board appoint some person, who shall deliver certificates, for the balances due on account of depreciation, to the officers and soldiers respectively to whom they shall be due ; he taking their receipts for the same to be transmitted to and lodged in the treasury-office.

On report of a committee, consisting of Mr. Sullivan, Mr. Bland, Mr. Osgood, to whom was referred a letter of June 7th from the governor of Rhode-Island :

*Resolved*, That so much of the said letter as relates to a call for militia for the defence of that island, be referred to the commander in chief ; and that he be authorized to call upon the four eastern-states, namely, New-Hampshire, Massachusetts, Rhode-Island and Connecticut, for such number of militia for the defence of Rhode-Island as he shall think necessary.

A motion was made by the delegates of South-Carolina, that the board of war be directed to forward to the state of South-Carolina, with all-convenient dispatch, 3000 stand of arms for the use of the militia of that state.

A motion was made by Mr. Ellsworth, seconded by Mr. Varnum, to strike out the words "for the use of the militia of that state ;" and in lieu thereof insert, "to be disposed of as the commanding-officer of the southern-department shall direct ;" a division was called for, and on the question to strike out the words "for the use of the militia of that state ;" the yeas and nays being required by Mr. Matthews,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} no
	Mr. Patridge,	no	
	Mr. Osgood,	no	
<i>Rhode-Island,</i> <i>Connecticut,</i>	Mr. Varnum,	ay	} *
	Mr. Huntington,	no	
	Mr. Ellsworth,	ay	
<i>Pennsylvania,</i>	Mr. Sherman,	ay	} ay
	Mr. Montgomery,	no	
	Mr. T. Smith,	no	
<i>Delaware,</i> <i>Maryland,</i>	Mr. Rodney,	no	} *
	Mr. Jenifer,	no	
	Mr. Carroll,	no	
	Mr. Potts,	no	} no



Virginia,	Mr. Jones,	no	}	no
	Mr. Bland,	no		
North-Carolina,	Mr. Sharpe,	no	}	no
	Mr. Johnson,	no		
South-Carolina,	Mr. Matthews,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no		
	Mr. Eveleigh,	no		
Georgia,	Mr. Few,	no	}	no
	Mr. Howly,	no		

So it passed in the negative.

A motion was then made by Mr. Sherman, seconded by Mr. Bland, between the words "arms" and "for," to insert "to be disposed of as the commanding-officer of the southern-department shall direct."

On which the yeas and nays being required by Mr. Matthews,

New-Hampshire,	Mr. Sullivan,	no	}	no
	Mr. Livermore,	no		
Massachusetts,	Mr. Lovell,	ay	}	ay
	Mr. Patridge,	ay		
	Mr. Osgood,	no		
	Mr. Varnum,	ay		
Rhode-Island,	Mr. Huntington,	ay	}	ay
	Mr. Ellsworth,	ay		
	Mr. Sherman,	ay		
Pennsylvania,	Mr. Montgomery,	no	}	divided.
	Mr. T. Smith,	ay		
Delaware,	Mr. Rodney,	ay	}	*
	Mr. Jenifer,	no		
Maryland,	Mr. Carroll,	no	}	no
	Mr. Potts,	no		
	Mr. Jones,	ay	}	ay
North-Carolina,	Mr. Bland,	ay		
	Mr. Sharpe,	no	}	no
South-Carolina,	Mr. Johnson,	no		
	Mr. Matthews,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no		
Georgia,	Mr. Eveleigh,	no		
	Mr. Few,	no	}	no
	Mr. Howly,	no		

So it passed in the negative.

After debate,

Ordered, That the farther consideration of the motion be postponed.

MONDAY, July 9, 1781.

A note from Mr. Ellery, one of the commissioners of the board of admiralty, was read, informing that his family affairs pressed his return home, and therefore requested leave of absence:

Ordered, That leave be granted.

According to the order of the day, the house proceeded to the election of a president; and, the ballots being taken,



The honorable Samuel Johnson was elected.

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TUESDAY, July 10, 1781.

Mr. Johnson having declined to accept the office of president, and offered such reasons as were satisfactory, the house proceeded to another election; and, the ballots being taken,

The honorable Thomas M'Kean was elected.

On motion of Mr. Matthews, seconded by Mr. T. Smith,

*Ordered*, That a committee of five be appointed to confer with the superintendant of finance on the means proper to be adopted for the purpose of defraying the expenses of the delegates of such of the states, as from the events of the war may be unable to provide for their support during their attendance in Congress; also on the means for paying the salaries due to the civil officers and clerks of the boards or offices immediately under Congress.

A report from the board of war was read; whereupon,

*Resolved*, That the superintendant of finance be, and he is hereby authorized, either by himself or such person or persons, as he shall, from time to time, appoint for the purpose, to procure on contract all necessary supplies for the use of the army or armies of the United States, and also for the navy artificers, or prisoners of war, and also the transportation thereof; and all contracts or agreements heretofore made, or which shall be hereafter made by him or persons under his authority, for the purposes aforesaid, are hereby declared to be binding on the United States.

On report of a committee, consisting of Mr. Lovell, Mr. Patridge, Mr. Osgood, to whom was referred a petition of James and William Winthrop:

*Ordered*, That Messrs. James and William Winthrop, be permitted to occupy the barracks, standing without the fortifications on Governor's Island, in the harbour of Boston, for the purpose of a barn, until further order shall be taken respecting the same by the United States in Congress assembled.

The committee, consisting of Mr. Clymer, Mr. Sullivan, Mr. Matthews, appointed to prepare a commission and instructions to Thomas Barclay, vice-consul, reported a draught, which was agreed to.

*Resolved*, That the thanks of Congress be given to the hon. Samuel Huntington, late president of Congress, in testimony of their approbation of his conduct in the chair and in the execution of public business.

*Ordered*, That Mr. S. Johnson, have leave of absence.

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WEDNESDAY, July 11, 1781.

A letter, of this day, from Thomas Hutchins, was read, signifying his acceptance of the office of geographer to the southern-army.

*Resolved*, That the geographer to the main-army, and also the geographer to the southern-army, be stiled "geographer to the United States of America," and commissioned and considered as such; and that they perform such services as the commander in chief, and commanding-officer of the southern-army, may judge necessary to assign them respectively.

On motion of Mr. Jenifer, one of the members of the board of admiralty:



*Resolved*, That the frigate Trumbull be put under the direction of Mr. Morris, superintendant of finance, for such service as he may judge necessary; and that the captain of the said frigate receive and obey the orders and instructions given to him by the said superintendant.

The report of a committee, consisting of Mr. Sullivan, Mr. Varnum, Mr. Bland, to whom were referred a memorial and other papers of baron D'Arendt, was taken into consideration, namely, that part wherein they report that it may be proper to resolve,

“ That the board of treasury settle with the baron D'Arendt, for his pay and depreciation, up to the first day of Jan. 1781; and that he be entitled to such future pay and emoluments as may be allowed by Congress to other foreign officers in similar circumstances.”

A question being taken on the first part:

Passed in the affirmative.

On the second part the previous question was moved by the state of Connecticut, seconded by the state of Georgia; and on the question to agree to the previous question, the yeas and nays being required by Mr. T. Smith,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	} no
	Mr. Livermore,	no	
<i>Massachusetts,</i>	Mr. Lovell,	no	} ay
	Mr. Patridge,	ay	
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Varnum,	no	} *
	Mr. Ellsworth,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} ay
	Mr. Montgomery,	no	
<i>Pennsylvania,</i>	Mr. Clymer,	no	} no
	Mr. T. Smith,	no	
	Mr. Rodney,	no	
<i>Delaware,</i>	Mr. M'Kean,	no	} no
	Mr. Jenifer,	no	
<i>Maryland,</i>	Mr. Carroll,	no	} no
	Mr. Potts,	ay	
	Mr. Jones,	ay	
<i>Virginia,</i>	Mr. Madison,	ay	} ay
	Mr. Bland,	no	
	Mr. Sharpe,	ay	
<i>North-Carolina,</i>	Mr. Matthews,	no	} *
	Mr. Motte,	no	
<i>South-Carolina,</i>	Mr. Eveleigh,	no	} no
	Mr. Few,	ay	
	Mr. Howly,	ay	

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. Sullivan,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	} ay
	Mr. Livermore,	ay	
<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay
	Mr. Patridge,	ay	
	Mr. Osgood,	no	



<i>Rhode-Island,</i>	Mr. <i>Varnum,</i>	ay	} <i>divided.</i>
<i>Connecticut,</i>	Mr. <i>Ellsworth,</i>	ay	
	Mr. <i>Sberman,</i>	no	
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	} <i>ay</i>
	Mr. <i>Clymer,</i>	ay	
	Mr. <i>T. Smith,</i>	ay	
<i>Delaware,</i>	Mr. <i>Rodney,</i>	ay	} <i>ay</i>
	Mr. <i>M'Kean,</i>	ay	
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	ay	} <i>ay</i>
	Mr. <i>Carroll,</i>	ay	
	Mr. <i>Potts,</i>	ay	
<i>Virginia,</i>	Mr. <i>Jones,</i>	ay	} <i>ay</i>
	Mr. <i>Madison,</i>	ay	
	Mr. <i>Bland,</i>	ay	
<i>North-Carolina,</i>	Mr. <i>Sharpe,</i>	ay	} *
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	ay	
	Mr. <i>Motte,</i>	ay	} <i>ay</i>
	Mr. <i>Eveleigh,</i>	ay	
<i>Georgia,</i>	Mr. <i>Few,</i>	ay	} <i>ay</i>
	Mr. <i>Howly,</i>	ay	

So it was resolved in the affirmative.

Whereas the baron D'Arendt, cannot, consistent with the arrangement of the army made in October last, and which took effect in January, 1781, be considered in the service of these states since that time, nor at present be allowed half-pay, in the same manner as was allowed to officers reduced by that arrangement.

*Resolved,* That the board of treasury settle with the baron D'Arendt, for his pay and depreciation, up to the said first day of January, 1781; and that he be entitled to such future pay and emoluments, as may be allowed by Congress to other foreign officers in similar circumstances.

---

THURSDAY, July 10, 1781.

A letter, of the 11th, from Mr. Huntington, late president, was read:

*Ordered,* That the vote of thanks, and this letter in answer thereto, be published.

On the application of the hon. S. Huntington, one of the delegates for the state of Connecticut:

*Ordered,* That a warrant issue in his favour on the treasurer, for 133 $\frac{1}{3}$  dollars specie, to be charged to the said state, in part payment for the schooner Spy, furnished by the said state for the use of the United States, and lost in their service.

The committee, consisting of Mr. Varnum, Mr. Madison, Mr. Partridge, to whom was referred a memorial from Mr. Marbois, charge des affaires of France, delivered in a report; whereupon, it was resolved as follows:

Whereas it has been represented to the United States in Congress assembled, that there are many French seamen, subjects of his most Christian majesty, in the United States, employed on board armed and



other vessels in the service of the said states, or the citizens thereof: And, whereas, it hath also been represented, that the said seamen are necessary for completely manning the squadron under the count de Barras: All officers therefore, commanding armed or other vessels under commissions from the United States in Congress assembled, are hereby ordered and directed immediately to deliver to the said count de Barras, or to any person or persons by him appointed to receive the same, all French seamen, subjects of his said majesty, who are or may be entered on board their vessels respectively; and if any officer commissioned as aforesaid, shall neglect or refuse complying with this order, he shall forfeit his commission, and be subject to such other punishment as to right shall appertain; and it is earnestly recommended to the legislatures and executives of the several states, to give effectual aid and support for the executing this order, and also for delivering to the count de Barras, all French seamen as aforesaid, that may be otherwise employed within their respective jurisdictions.

Congress proceeded to the election of a commissary-general of military-stores; and, the ballots being taken,

Samuel Hodgdon was elected, having been previously nominated by Mr. Howly.

---

FRIDAY, July 13, 1781.

On motion of Mr. Matthews, seconded by Mr. Motte,

*Resolved*, That the board of war direct rations to be furnished to the prisoners lately exchanged, and their families, who have already arrived or may hereafter arrive in this city, from Charleston, Savannah or St. Augustine, until the further order of Congress:

That the board of war order a return to be made of the number of such persons as shall so draw rations, except the continental officers and their families, that a proper account may be kept of the same.

---

MONDAY, July 16, 1781.

An act passed by the general assembly of the commonwealth of Virginia, empowering the United States in Congress assembled, to levy a duty of five per cent. on imports and prizes, was read.

Mr. Edmund Randolph, a delegate for the state of Virginia, attended, and produced the credentials of his appointment, which were read.

A memorial of captain Joseph Elliot, of the first South-Carolina regiment, was read;

*Ordered*, That it be referred to the board of war; and that the board of war take order for affording such relief to the officers of the United States, lately returned and returning from captivity in Charleston, as their circumstances may require, and the finances will admit.

A letter, of this day, from brigadier-general M<sup>c</sup>Intosh, was read:

Whereupon it was moved by Mr. Varnum, seconded by Sherman, "that the resolution of Congress of the 15th day of February, 1780, respecting brigadier-general M<sup>c</sup>Intosh, be, and the same is hereby repealed."

To which it was moved by Mr. Walton, seconded by Mr. Howly, to add, by way of amendment, "except so far as restrains him from taking command in the state of Georgia."



On the question to agree to the amendment, the yeas and nays being required by Mr. Walton,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	}	no
	Mr. Livermore,	no		
<i>Massachusetts,</i>	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
<i>Rhode-Island,</i>	Mr. Varnum,	no	}	*
<i>Connecticut,</i>	Mr. Ellsworth,	no	}	no
	Mr. Sherman,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Clymer,	no		
	Mr. T. Smith,	no		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	no	}	no
<i>Maryland,</i>	Mr. Jenifer,	no	}	no
	Mr. Carroll,	no		
	Mr. Potts,	no		
<i>Virginia,</i>	Mr. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Bland,	no		
	Mr. M. Smith,	no		
	Mr. Randolph,	no		
<i>South-Carolina,</i>	Mr. Matthews,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no		
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Walton,	ay	}	ay
	Mr. Howly,	ay		

So it passed in the negative.

On the question to agree to the main question ;

Resolved in the affirmative.

A report from the board of war was read ; whereupon,

*Resolved,* That the board of war, commander in chief, and commanding-officer of a separate army, be, and they are hereby empowered to order rations to be delivered to such officers on parole as they shall think proper, the resolution of the 19th of May, 1778, notwithstanding.

\*  
TUESDAY, July 17, 1781.

On report of a committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was referred a report of the board of admiralty :

*Resolved,* That William Nicholson be appointed a lieutenant of marines in the service of the United States :

*Ordered,* That the remainder be re-committed.

On report of a committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was referred a letter of the 12th, from F. Lewis, a commissioner of the board of admiralty, desiring leave to resign :

*Resolved,* That the resignation of the said Francis Lewis be, and it is hereby accepted.

\*  
WEDNESDAY, July 18, 1781.

On a report from the board of war :



*Resolved*, That the office of pay-master to the board of war and ordnance be abolished ; and that the said pay-master do forthwith prepare his accounts for liquidation :

A report from the chamber of accounts, on the accounts of general Sullivan, was laid before Congress :

*Ordered*, That it be referred to the board of treasury ; and that the board receive such evidence in support of the claims of Mr. Sullivan as shall be satisfactory, and the best which circumstances will admit.

On motion of Mr. Matthews, seconded by Mr. Walton,

*Resolved*, That the board of war be directed to pay the passages of the several continental officers already arrived, and that may hereafter arrive in this city from Charleston and St. Augustine.

The consideration of the ordinance for establishing a court of appeals in cases of capture, was resumed ; and, after debate,

*Ordered*, That it be re-committed :

That Mr. Randolph be added to the committee.

*Resolved*, That it be an instruction to the said committee, to prepare and bring in an ordinance for regulating the proceedings of the admiralty courts of the several states in cases of capture, to revise and collect into one body the resolutions of Congress and other convenient rules of decision, and to call upon the several legislatures, to aid by necessary provisions the powers reserved to Congress by the articles of confederation on the subject of captures from the enemy.

On report of a committee, consisting of Mr. McKean, Mr. Ellsworth, Mr. Bland, to whom was referred a motion relative to the navy of the United States of America :

*Resolved*, That the care of the marine prisoners, heretofore entrusted to the board of admiralty, be transferred to the commissary of prisoners under the superintendence of the board of war :

That the seal of the admiralty be deposited with the secretary of Congress ; and that he seal and countersign the like commissions as have heretofore been issued by the board of admiralty by order of Congress, until a secretary of marine shall be appointed.

---

FRIDAY, July 20, 1781.

Mr. Mowry, a delegate for the state of Rhode-Island and Providence Plantations, attended, and produced the credentials of the delegates for that state, which were read.

The committee, consisting of Mr. Jenifer, Mr. Sherman, Mr. Bland, to whom was re-committed part of the report of the board of admiralty, delivered in a report ; whereupon,

*Resolved*, That Richard Dale and Alexander Murray, be appointed lieutenants in the navy of the United States ; and that commissions be issued to them accordingly.

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SATURDAY, July 21, 1781.

The committee, consisting of Mr. Bland, Mr. Clymer, Mr. Osgood, Mr. Matthews, Mr. Jenifer, Mr. Bee, to whom was referred a motion of Mr. Bland, delivered in a report :

The same being taken up, and the following paragraph being under debate, viz.



“ That for the purpose of administering suitable relief to these unfortunate but highly virtuous citizens (namely, fundry inhabitants of South-Carolina and Georgia, lately arrived in cartels from Charleston) a recommendation be immediately forwarded from Congress to the several executives in the union, to promote a loan of money within their respective states; and that it be notified to them, that the delegates representing the states of South-Carolina and Georgia in Congress, have pledged the faith of the said states for the re-payment of the money so lent, in proportion to what shall be supplied to their respective citizens, as soon as the legislatures of the said states shall be in a condition to make provision for so doing; and that in the mean time the United States in Congress assembled, will guarantee the re-payment of all monies lent for the above purpose.

A motion was made by Mr. Varnum, seconded by Mr. Ellsworth, to postpone the consideration of that paragraph; and on the question for postponing, the yeas and nays being required by Mr. Bee,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	}	ay
	Mr. Livermore,	ay		
<i>Massachusetts,</i>	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
<i>Rhode-Island,</i>	Mr. Mowry,	ay	}	ay
	Mr. Varnum,	ay		
<i>Connecticut,</i>	Mr. Ellsworth,	ay	}	ay
	Mr. Sherman,	ay		
<i>New-Jersey,</i>	Mr. Witherspoon,	no	}	*
	Mr. Montgomery,	no		
<i>Pennsylvania,</i>	Mr. Clymer,	no	}	no
	Mr. T. Smith,	ay		
<i>Delaware,</i>	Mr. M <sup>r</sup> . Kean,	no	}	*
	Mr. Jenifer,	no		
<i>Maryland,</i>	Mr. Carroll,	no	}	no
	Mr. Potts,	no		
<i>Virginia,</i>	Mr. Madison,	no	}	no
	Mr. Bland,	no		
<i>North-Carolina,</i>	Mr. Randolph,	ay	}	no
	Mr. Sharpe,	no		
<i>South-Carolina,</i>	Mr. Matthews,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no	}	no
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Walton,	no	}	no
	Mr. Howly,	no		

So it passed in the negative.

A division being then called for, and a question taken on the first part, so far as the words “ a loan of money within their respective states,” inclusive: it was lost, only five states being in the affirmative.

MONDAY, July 23, 1781.

Mr. Elias Boudinot, a delegate for the state of New-Jersey, attended, and produced the credentials of his appointment, which were read.



On the report of a committee, consisting of Mr. Sullivan, Mr. Cornell, Mr. Sharpe, to whom was referred an extract of general Washington's letter of the 28th of June last, respecting the clothing department :

*Resolved*, That the said extract of general Washington's letter, together with a letter from the superintendant of finance to the committee on the subject, be referred to the board of war ; who are directed to confer with the superintendant of finance and the clothier, and make the best contracts in their power for procuring clothing for the army.

A motion was then made by Mr. Varnum, seconded by Mr. Sherman,

“ That the amount of all clothing furnished or to be furnished during the present campaign and for the next winter, by any of the states for their several troops, shall be credited to the states respectively, according to a just and equitable value, and shall be considered as so much advanced on account of such state's quota of taxes for the present year.”

On the question to agree to this motion, the yeas and nays being required by Mr. Sherman,

<i>New-Hampshire,</i>	Mr. Sullivan,	<i>no</i>	} <i>divided.</i>
	Mr. Livermore,	<i>ay</i>	
<i>Massachusetts,</i>	Mr. Lovell,	<i>ay</i>	} <i>ay</i>
	Mr. Patridge,	<i>ay</i>	
	Mr. Osgood,	<i>ay</i>	
<i>Rhode-Island,</i>	Mr. Mowry,	<i>ay</i>	} <i>ay</i>
	Mr. Varnum,	<i>ay</i>	
<i>Connecticut,</i>	Mr. Ellsworth,	<i>ay</i>	} <i>ay</i>
	Mr. Sherman,	<i>ay</i>	
<i>New-Jersey,</i>	Mr. Witherspoon,	<i>no</i>	} <i>no</i>
	Mr. Boudinot,	<i>no</i>	
<i>Pennsylvania,</i>	Mr. Montgomery,	<i>no</i>	} <i>no</i>
	Mr. Clymer,	<i>no</i>	
	Mr. T. Smith,	<i>no</i>	
<i>Delaware,</i>	Mr. M'Kean,	<i>no</i>	} *
<i>Maryland,</i>	Mr. Carroll,	<i>no</i>	
	Mr. Potts,	<i>no</i>	} <i>no</i>
<i>Virginia,</i>	Mr. Jones,	<i>no</i>	
	Mr. Madison,	<i>no</i>	} <i>no</i>
	Mr. Bland,	<i>no</i>	
	Mr. M. Smith,	<i>no</i>	
	Mr. Randolph,	<i>ay</i>	
<i>North-Carolina,</i>	Mr. Sharpe,	<i>no</i>	} *
<i>South-Carolina,</i>	Mr. Matthews,	<i>no</i>	
	Mr. Bee,	<i>no</i>	} <i>no</i>
	Mr. Eveleigh,	<i>no</i>	
<i>Georgia,</i>	Mr. Walton,	<i>no</i>	} <i>no</i>
	Mr. Howly,	<i>no</i>	

So it passed in the negative.

The committee, consisting of Mr. Witherspoon, Mr. Carroll, Mr.



Varnum, Mr. Sullivan, Mr. Matthews, appointed to receive the communications of the honorable the minister of France, reported the substance of the said communications.

Congress resumed the consideration of the report on Mr. Bland's motion ; whereupon,

*Resolved*, That the auditor-general be, and he is hereby authorized and directed, forthwith to ascertain in the best manner he can, the specie value, at the time the same were dated, of the several bills drawn by major-general Lincoln, and accepted by the board of treasury, in pursuance of the resolutions of Congress of the 23d day of March and 6th of July, 1780 ; and that the superintendant of finance issue certificates for the amount thereof, with lawful interest from the respective dates ; and also provide sufficient funds for the final redemption of the said certificates, and for the punctual payment of the interest thereof annually, in specie, in the mean time.

*Resolved*, That five suitable persons be appointed and authorized to open a subscription for a loan of 30,000 dollars, for the support of such of the citizens of the states of South-Carolina and Georgia, as have been driven from their country and possessions by the enemy, the said states respectively, by their delegates in Congress, pledging their faith for the re-payment of the sums so lent, with interest, in proportion to the sums which shall be received by their respective citizens, as soon as the legislatures of the said states shall severally be in condition to make provision for so doing, and Congress hereby guaranteeing this obligation :

That the said five persons do also receive voluntary and free donations, to be applied to the further relief of the said sufferers :

*Ordered*, That the president send a copy of the above resolution to the executives of the several states not in the power of the enemy, requesting them to promote the success of the said loan and donation in such way as they shall think best.

A letter, of this day, from F. Hopkinson, treasurer of loans, was read ; requesting leave to resign :

*Ordered*, That his resignation be accepted.

*Resolved*, That the office of treasurer of loans be, and the same is hereby abolished ; and that the business thereof be annexed to the office of treasurer of the United States.

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TUESDAY, July 24, 1781.

On motion of Mr. Witherspoon, seconded by Mr. T. Smith, it was resolved as follows :

Whereas the superintendant of finance, upon entering on his office, has represented that it would be proper that the board of treasury should continue to exercise the powers entrusted to them, until such time as he shall have made his arrangements, and is prepared to take up the business :

*Resolved*, That until the business be regularly transferred over to the superintendant of finance, the board of treasury continue in the discharge of the duties heretofore entrusted to them.

A letter, of the 16th of May, from E. Forman, one of the commissioners of the board of treasury, was called for and read ; whereupon,



*Resolved*, That the resignation of the said Ezekiel Forman be, and it is hereby accepted.

On report of a committee, consisting of Mr. Varnum, Mr. Bland, Mr. Sullivan, to whom was referred a memorial of John Storey :

*Resolved*, That John Storey be entitled to the same pay and rations for his services, from the time of general Greene's resignation as quarter-master-general, until the 21st day of April last, which he received or was entitled to receive when acting immediately under the said quarter-master-general :

That the said John Storey immediately repair to camp, and there carefully transact and settle the business belonging to the late quarter-master-general's department, until the further order of Congress ; and for this service he shall be allowed from the 21st day of April last the pay and rations of a captain in the line of the army.

*Ordered*, That Mr. Storey be informed that his claim to rank is inadmissible ; and that his claim for depreciation will be settled by the general plan, when adopted for the staff of the army.

*Resolved*, That Messrs. William Bingham, John Bayard, George Mead, Jacob Barge and Dr. Hutchinson be, and they are hereby appointed and authorized to open a subscription for a loan, agreeably to the resolution passed yesterday.

---

WEDNESDAY, July 25, 1781.

Mr. Jonathan Elmer, a delegate for the state of New-Jersey, attended, and took his seat.

A letter, of this day, from the superintendant of finance, was read ; whereupon,

*Resolved*, That the interest to be allowed on the certificates granted for the bills drawn by major-general Lincoln, be at the rate of six per cent. per annum.

On report of a committee, consisting of Mr. Osgood, Mr. Potts, Mr. Livermore, to whom was referred a memorial of J. P. Jones, together with his account :

*Resolved*, That the charges of the said J. P. Jones, as exhibited in his accounts, No. 1, 2, 3, 4, 5, 6 and 7, be allowed ; and that the said report and accounts be referred to the board of treasury to take order.

On report of a committee, consisting of Mr. Ellsworth, Mr. Matthews, Mr. Madison, to whom was referred two letters from major-general Greene :

*Resolved*, That the president acquaint major-general Greene, that the measures he has pursued for the general security of the southern-states, and for dispossessing the enemy of the several posts occupied by them, afford such proofs of his judgment, vigilance and firmness as recommend him to the entire approbation of Congress ; and that Congress are equally sensible of the zeal, gallantry and perseverance displayed by the officers and soldiers under his command, in the various services in which they have been employed, and the difficulties with which they have contended.

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THURSDAY, July 26, 1781.

Mr. N. Vandyke, a delegate for the state of Delaware, attended.



*Ordered*, That the board of treasury report to Congress what states have complied with the resolutions of Congress of the 18th March and 26th August, 1780, concerning the calling in the old continental money and the issuing the new.

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*MONDAY, July 30, 1781.*

The board of war, to whom was referred the application of lieutenant de Marcellin, delivered in a report; whereupon,

*Ordered*, That lieutenant de Marcellin, of the 2d Pennsylvania regiment, have leave of absence till the 1st day of May, 1782, for the purpose of going to France on private business.

On report of a committee, consisting of Mr. Ellsworth, Mr. Clymer, Mr. Matthews, Mr. Sharpe, Mr. Madison, appointed to confer with the superintendant of finance on the means of defraying the expense of the delegates of such of the states, as from the events of the war may be unable to provide for their support during their attendance in Congress; also on the means for paying the salaries of the civil officers and clerks of the boards and offices immediately under Congress.

*Resolved*, That until the delegates for the states of North-Carolina, South-Carolina and Georgia, shall receive remittances from their respective states for their support during their attendance in Congress, the superintendant of finance be authorized and directed to supply such of them as have their families with them, a sum not exceeding 200 dollars per month each, and to such as have not families with them, 150 dollars per month each, the said sums to be charged to the said states respectively; and that the superintendant of finance be authorized and directed to make provision for discharging the arrears of pay due to the officers on the civil establishment of the United States, and for the future payment of their salaries as the same shall become due.

A report of the board of war, on the arrangements made and orders given by E. Cornell, at Springfield, was read; whereupon,

*Resolved*, That the board of war be, and they are hereby empowered to continue such of the officers in the laboratory and artificers at Springfield, as the good of the service may require, and to remove all and every other officer in the laboratory or corps of artificers at that place, and proceed to make such further reforms in the department of the commissary of military-stores at other posts as they judge may conduce to the public interest.

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*TUESDAY, July 31, 1781.*

Mr. Duane and Mr. L'Houmedieu, two delegates for the state of New-York, attended.

On report of a committee, consisting of Mr. Carroll, Mr. Bland, Mr. Varnum, appointed to confer with the commander in chief, the board of war, and the superintendant of finance:

*Ordered*, That one of the members of the board of war be, and he is hereby directed to repair to head-quarters with the superintendant of finance, in order to consult with the commander in chief on the subject of the arrangement and numbers of the army for the ensuing year.



On report of a committee, consisting of Mr. Clymer, Mr. Root, Mr. Johnson, to whom was referred a letter from general Sullivan of the 25th of November, 1780.

*Ordered*, That the board of treasury pass to the credit of general Sullivan the following sums in specie, viz. 100 dollars as a compensation for the expenses incurred by him in securing the military-stores and ordnance in Fort-William and Mary, New-Hampshire, in the year 1775, and distributing them in various parts of the country for the use of the United States; 1000 dollars for the extraordinary expenses, necessarily incurred by him on several occasions, as the commanding-officer in a separate department, for which no provision or compensation has been made; and 400 dollars as a reimbursement of the expenses incurred by him, after his resignation for the recovery of his health, which he had lost in the service and was thereby induced to retire.

A report from the board of war was read, enclosing accounts against the United States for the support and tuition of three Indian boys at Princetown; whereupon,

*Ordered*, That the same be referred to the board of treasury; and that the board devise ways and means for furnishing colonel George Morgan with the sum of £. 137 currency of New-Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys of the Delaware Nation, now at Princetown college; for which sum colonel George Morgan is to be accountable.

— ❁ —  
*WEDNESDAY, August 1, 1781.*

On motion of Mr. Sherman, seconded by Mr. Varnum,

*Ordered*, That the committee on the post-office, the superintendant of finance, and post-master-general, prepare and report the state of the present expenses of the post-office, and a system for regulating the same in future.

*Ordered*, That on the application of Mr. Sharpe, a delegate for the state of North-Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan-office for the state of Pennsylvania, in favour of Griffith Rutherford, brigadier-general, and ——— Isaacs, a colonel of militia of the state of North-Carolina, lately arrived in this city from captivity at St. Augustine, for the sum of 3000 dollars new emission, to be charged to the said state of North-Carolina.

A motion was made by Mr. Varnum, seconded by Mr. L'Houmeau,

That a committee be appointed to enquire into the facts mentioned in the intercepted letter of the 7th February last, from lord George Germain to sir Henry Clinton, and report the result of their enquiries to Congress.

A motion was made by Mr. Bland, seconded by Mr. Sullivan,  
That that motion be postponed;

On the question for postponing, the yeas and nays being required by Mr. Varnum,

<i>New-Hampshire,</i>	Mr. Sullivan,	ay	}	ay
	Mr. Livermore,	ay		



<i>Massachusetts,</i>	Mr. Lovell,	ay	} no
	Mr. Patridge,	no	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Mowry,	no	} no
	Mr. Varnum,	no	
<i>Connecticut,</i>	Mr. Ellsworth,	no	} no
	Mr. Sherman,	no	
<i>New-York,</i>	Mr. Duane,	no	} no
	Mr. L'Hommedieu,	no	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} ay
	Mr. Elmer,	ay	
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	} ay
	Mr. Vandyke,	ay	
<i>Maryland,</i>	Mr. Jenifer,	ay	} divided.
	Mr. Carroll,	no	
<i>Virginia,</i>	Mr. Jones,	no	} ay
	Mr. Madison,	ay	
	Mr. Bland,	ay	
	Mr. Randolph,	ay	
<i>North-Carolina,</i>	Mr. Sharpe,	ay	} *
<i>South-Carolina,</i>	Mr. Matthews,	ay	
<i>Georgia,</i>	Mr. Motte,	no	} ay
	Mr. Eveleigh,	ay	
	Mr. Walton,	no	

So the question was lost.


On the question to agree to the motion, the yeas and nays being required by Mr. Varnum,

<i>New-Hampshire,</i>	Mr. Sullivan,	no	} no
	Mr. Livermore,	no	
<i>Massachusetts,</i>	Mr. Lovell,	no	} no
	Mr. Patridge,	no	
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Mowry,	ay	} ay
	Mr. Varnum,	ay	
<i>Connecticut,</i>	Mr. Ellsworth,	ay	} ay
	Mr. Sherman,	ay	
<i>New-York,</i>	Mr. Duane,	ay	} ay
	Mr. L'Hommedieu,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	no	} no
	Mr. Elmer,	no	
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	no	} no
	Mr. Vandyke,	no	
<i>Maryland,</i>	Mr. Jenifer,	ay	} ay
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Jones,	no	} ay
	Mr. Bland,	ay	
<i>North-Carolina,</i>	Mr. Randolph,	ay	} *
	Mr. Sharpe,	no	



<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Motte,</i>	<i>ay</i>	
	Mr. <i>Eveleigh,</i>	<i>no</i>	
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>	} *

So the question was lost.

—  —

THURSDAY, August 2, 1781.

On a report from the board of treasury :

*Resolved,* That the arrearages and salaries due to officers on the civil list, shall be ascertained in specie value, and warrants for their respective balances, issued by the board of treasury under their seal, upon the commissioner of the loan-office of the state where the United States in Congress assembled, shall hold their sessions ; and where any such specie warrants shall be granted to officers on that establishment, which can with more convenience be discharged by the said commissioner in paper currency issued under the act of the 18th of March, 1780, the same shall be discharged according to the rate of depreciation at the time of payment, on a comparison of the same with specie :

That to enable the loan-officer to make such payment in specie value, the board of treasury shall once a month, or oftener if they shall judge proper, ascertain the depreciation of the currency aforesaid, and instruct the said loan-officer to make his payments agreeable thereto.

The report of the committee, consisting of Mr. Montgomery, Mr. Sherman, Mr. Matthews, Mr. Vandyke, to whom was referred part of the report on general Sullivan's letter of 25th November last, was taken into consideration ; and on the question, that it be recommended to the state of New-Hampshire to make good to general Sullivan the depreciation of his pay for the time he continued in service, in the like manner as has been done for the officers in the line of the said state now in service : the yeas and nays being required by Mr. Livermore,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>ay</i>	} *
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>ay</i>	
	Mr. <i>Osgood,</i>	<i>ay</i>	} <i>ay</i>
<i>Rhode-Island,</i>	Mr. <i>Mowry,</i>	<i>ay</i>	
	Mr. <i>Varnum,</i>	<i>no</i>	} <i>divided.</i>
<i>Connecticut,</i>	Mr. <i>Ellsworth,</i>	<i>no</i>	
	Mr. <i>Sberman,</i>	<i>ay</i>	} <i>divided.</i>
<i>New-York,</i>	Mr. <i>Duane,</i>	<i>no</i>	
	Mr. <i>L'Hommedieu,</i>	<i>no</i>	} <i>no</i>
<i>New-Jersey,</i>	Mr. <i>Boudinot,</i>	<i>no</i>	
	Mr. <i>Elmer,</i>	<i>no</i>	} <i>no</i>
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	
	Mr. <i>Clymer,</i>	<i>no</i>	} <i>no</i>
<i>Delaware,</i>	Mr. <i>M'Kean,</i>	<i>no</i>	
	Mr. <i>Vandyke,</i>	<i>no</i>	} <i>no</i>
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	<i>no</i>	
	Mr. <i>Carroll,</i>	<i>ay</i>	} <i>divided.</i>
<i>Virginia,</i>	Mr. <i>Jones,</i>	<i>no</i>	
	Mr. <i>Bland,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>M. Smith,</i>	<i>no</i>	
	Mr. <i>Randolph,</i>	<i>no</i>	



North-Carolina,	Mr. Sharpe,	ay	}	*
South-Carolina,	Mr. Matthews,	no		
	Mr. Bee,	no	}	no
	Mr. Motte,	no		
	Mr. Eveleigh,	no		
Georgia,	Mr. Walton,	no	}	divided.
	Mr. Howly,	ay		

So it passed in the negative.

\*  
FRIDAY, August 3, 1781.

A memorial of the delegates, as agents for the state of New-York, respecting the controverted jurisdiction of the district called the New-Hampshire Grants, was read.

The committee, consisting of Mr. Boudinot, Mr. Sharpe, Mr. Clymer, appointed to take into consideration the state of the American prisoners in the power of the enemy, report,

“That they have collected together and cursorily looked into various evidences of the treatment our unhappy fellow citizens, prisoners with the enemy, have heretofore and still do meet with, and find the subject of so important and serious a nature as to demand much greater attention, and fuller consideration, than the present distressed situation of those confined on board the prison-ships at New-York will now admit of;” wherefore they beg leave to make a partial report, and desire leave to sit again:

They accordingly submitted a report; whereupon,

*Resolved*, That it appears to Congress that a very large number of marine-prisoners and citizens of these United States, taken by the enemy, are now close confined on board prison-ships in the harbour of New-York:

That the said prison-ships, are so unequal in size to the number of prisoners, as not to admit of a possibility of preserving life in this warm season of the year, they being crowded together in such a manner as to be in danger of suffocation, as well as exposed to every kind of putrid and pestilential disorder:

That no circumstances of the enemy’s particular situation can justify this outrage on humanity, it being contrary to the usage and custom of civilized nations, thus deliberately to murder their captives in cold blood, as the enemy will not assert that prison-ships, equal to the number of prisoners, cannot be obtained so as to afford room sufficient for the necessary purposes of life:

That the enemy do daily improve these distresses to enlist and compel many of our citizens to enter on board their ships of war, and thus to fight against their fellow citizens and dearest connexions:

That the said marine-prisoners, until they can be exchanged, should be supplied with such necessaries of clothing and provisions as can be obtained to mitigate their present sufferings:

That, therefore, the commander in chief be, and he is hereby instructed to remonstrate to the proper officer within the enemy’s lines, on the said unjustifiable treatment of our marine-prisoners, and demand, in the most express terms, to know the reasons of this unnecessary severity towards them; and that the commander in chief transmit such



answer as may be received thereon, to Congress, that decided measures for due retaliation may be adopted, if a redress of these evils is not immediately given :

That the commander in chief be, and he is hereby also instructed to direct the supplying the said prisoners, with such provisions and light-clothing, for their present more comfortable subsistence, as may be in his power to obtain, and in such manner as he may judge most advantageous for these United States :

*Ordered*, That the committee have leave to sit again.

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*MONDAY, August 6, 1781.*

A report from the board of treasury, on the account of A. Lee, Esq; was read, wherein pursuant to the order of the 29th May last, they state his extraordinary expenses in Europe, including articles purchased, and said to be returned as per account, 19,836 livres, 14 sous and six deniers ; and his ordinary expenses in Europe, and from Boston, 135,361 livres, 3 sous and 10 deniers : that the sum charged by Mr. Lee, for supplies sent to the state of Virginia, (part of the monies he received for the public use) amounting to 66,853 livres and 10 deniers, are acknowledged to have been received, and for which the governor and council of that state, by their certificate, dated the 13th of March last, and filed in the treasury-office, promise to account with the United States ; and that there remains due to him for his salary, and that of his secretary, the sum of £. 2238 : 17 : 9, sterling ; whereupon,

*Resolved*, That Congress agree to the report, allowing the foregoing accounts to the credit of Mr. A. Lee.

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*TUESDAY, August 7, 1781.*

On report of a committee, consisting of Mr. Matthews, Mr. Varnum, Mr. Ellsworth, to whom were referred letters of the 1st and 5th of July, from the governor of New-York :

It appearing to Congress from the representation of governor Clinton and other information, that commissions have been granted by the governor of the state of Connecticut, for the purpose of suppressing commerce from the enemy into that state, authorizing the persons to whom those commissions are granted, among other things, to go on Long-Island and other islands adjacent, and seize the goods and merchandize they should there find, the property of British subjects ; and that the said commissions are attended with many abuses dangerous to the public, as well as distressing to citizens and friends of these United States, inhabiting the said islands, some of whom, under pretext of the powers contained in such commissions, have been plundered of their property, and otherwise evil treated ; and that the further continuance of the said commissions would impede the public service in that quarter ; therefore,

*Resolved*, That the governor of the state of Connecticut be, and he is hereby desired immediately to revoke the said commissions by him granted, so far as they authorize the seizure of goods on Long-Island, or elsewhere, on land not within the state of Connecticut.

Congress took into consideration the report of the committee, consisting of Mr. Sherman, Mr. M'Kean, Mr. Carroll, Mr. Varnum, Mr.



Madison, to whom was re-committed their report on a letter of the 20th June, from the president of New-Hampshire, together with a motion relative to the subject; and thereupon came to the following resolutions:

Whereas the states of New-Hampshire and New-York, have submitted to Congress the decision of the disputes between them and the people inhabiting the New-Hampshire Grants, on the west side of Connecticut river, called the state of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas, the people aforesaid claim and exercise the powers of a sovereign independent state, and have requested to be admitted into the federal union of the United States of America: in order thereto, and that they may have an opportunity to be heard in vindication of their said claim:

*Resolved*, That a committee of five be appointed to confer with such person or persons, as may be appointed by the people residing on the New-Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled, shall determine to recognize their independence, and thereof make report:

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people, to agree upon and ratify terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union; and the said committee are hereby instructed to give notice to the agents of the states of New-Hampshire and New-York, to be present at the conference aforesaid.

*Resolved*, That in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New-Hampshire and New-York respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation; and that the United States will accordingly guarantee such lands and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid.

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WEDNESDAY, August 8, 1781.

The board of war, to whom was referred a memorial of Nicholson Broughton, requesting to be discharged from the payment of twelve guineas, advanced to him in France on account of the United States, report, that in their opinion, a compliance with his request in this instance, would be improper:

*Resolved*, That Congress agree to the said report.

The board of war, to whom was referred a letter from J. Pierce, report, that in their opinion, the resolution of Congress of the 27th August, 1780, clearly and decidedly sets forth the principles on which the outstanding debts of the public are to be collected, and which



ought to be strictly adhered to by the pay-master-general, in receiving all monies due from individuals to the United States :

*Resolved*, That Congress agree to the said report.

Congress proceeded to the election of a committee of five, to confer with such person or persons as may be appointed by the people residing on the New-Hampshire Grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the federal union of these states, in case the United States in Congress assembled, shall determine to recognize their independence :

The members chosen, Mr. Boudinot, Mr. Vandyke, Mr. Carroll, Mr. Montgomery, Mr. Randolph.

The board of treasury, in compliance with the resolutions of the 30th July, directing them to devise ways and means for furnishing colonel George Morgan with the sum of £. 137 currency of New-Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys of the Delaware Nation, at Princetown college, delivered in a report ; whereupon,

*Resolved*, That for the support and education of the Indian youth at Princetown college, in the state of New-Jersey, under the care of colonel George Morgan, of the said state, the sum of  $365\frac{60}{100}$  dollars in specie, be paid to him by Dr. J. Wither Spoon, president of the said college, out of monies placed in his hands by the North-Carolina provincial prisoners of war, exchanged in the year 1778, to discharge the demands of the United States against them for subsistence ; for which sum the aforesaid colonel G. Morgan is to be accountable.

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THURSDAY, August 9, 1781.

The committee, consisting of Mr. Randolph, Mr. Vandyke, Mr. Ellsworth, to whom was referred a memorial of the hon. the minister plenipotentiary of France, together with the plan of a convention between the most Christian king and the United States, for the purpose of determining and fixing the functions and prerogatives of their respective consuls, vice-consuls and agents, delivered in a report ; which being read :

*Ordered*, That it be re-committed ; and that the committee be instructed to confer with the minister of France upon a plan of a convention for determining and fixing the functions and prerogatives of consuls, &c. and report to Congress the precise explanation which shall be given to them, as well as a plan of convention, adapted to the subject and the circumstances of America.

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FRIDAY, August 10, 1781.

Congress proceeded to the election of a secretary for foreign affairs ; and, the ballots being taken,

Mr. Robert R. Livingston was elected, having been previously nominated by Mr. Floyd.

On motion of the delegates of South-Carolina :

*Resolved*, That the gentlemen appointed by the act of Congress of the 23d July last, to collect loans and donations for the distressed inhabitants of South-Carolina and Georgia, be, and hereby are authorized



and empowered to pay the same into the hands of the delegates of the said states, or to their order agreeably to the said act; and that receipts for the same be taken and lodged in the treasury-office.

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*MONDAY, August 13, 1781.*

A letter, of this day, from lieutenant J. Townes, was read; whereupon,

Congress took into consideration a report of the board of war of the 20th July; and, thereupon,

*Ordered,* That the board of war draw warrants on the pay-master-general, in favour of the several officers of the army of these states, lately prisoners of war in South-Carolina and Georgia, for six months nominal pay in the new emission.

A report of the board of war on a letter of the 29th July, from A. Hammond, was read; whereupon,

*Ordered,* That the letter of A. Hammond, requesting leave to go to sea for the recovery of his health, be referred to the commander in chief; who is hereby empowered to enquire into the circumstances of his case, and to grant his request if he thinks it proper and expedient.

On motion of Mr. Sherman, seconded by Mr. Lovell,

*Resolved,* That the establishment of the office of interpreter of the French and Spanish languages be, and hereby is abolished.

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*WEDNESDAY, August 15, 1781.*

A letter, of the 10th, from J. Storey, was read; whereupon,

*Ordered,* That J. Storey be informed that Congress do, at his request, dispense with his further service.

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*FRIDAY, August 17, 1781.*

Congress took into consideration a report of the committee appointed in pursuance of the resolution of the 7th, to confer with agents to be appointed by the people of the New-Hampshire Grants, on the west-side of Connecticut river; and to whom was referred a letter from Jonas Fay, Ira Allen and Bezaleel Woodward, wherein they represent, that the said J. Fay, I. Allen and B. Woodward, have produced to them a commission, under the hand of Thomas Chittenden, Esq; empowering them among other things, to repair to the American Congress, and to propose to and receive from them terms of an union with the United States; whereupon,

*Resolved,* That it be an instruction to the committee to confer with the said Jonas Fay, Ira Allen and Bezaleel Woodward, on the subject of their mission.

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*MONDAY, August 20, 1781.*

A report from the board of treasury of the 16th was read, respecting bills of exchange drawn by British officers, for their subsistence while prisoners of war in the state of Connecticut, returned protested.

*Ordered,* That the same be referred to a committee of three:

The members, Mr. Boudinot, Mr. T. Smith, Mr. Clymer.

The committee appointed to confer with J. Fay, I. Allen and B.



Woodward, delivered in a report, which was taken into consideration ; and, thereupon,

Congress came to the following resolution :

It being the fixed purpose of Congress to adhere to the guarantee to the states of New-Hampshire and New-York, contained in the resolution of the 7th instant :

*Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east-side of the west bank of Connecticut river, and on the west-side of a line beginning at the north-west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course ; then by the west bounds of the townships granted by the late government of New-Hampshire to the river running from South-Bay to Lake-Champlain, thence along the said river to Lake-Champlain, thence along the waters of Lake-Champlain to the latitude of 45 degrees north, excepting a neck of land between Missiskoy-Bay and the waters of Lake-Champlain.

On the question to agree to this, the yeas and nays being required by Mr. Sharpe,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	> *
<i>Massachusetts,</i>	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Mowry,	ay	> *
<i>Connecticut,</i>	Mr. Ellsworth,	ay	} ay
	Mr. Sherman,	ay	
<i>New-York,</i>	Mr. Duane,	no	} no
	Mr. L'Homedieu,	no	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} ay
	Mr. Elmer,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay
	Mr. Clymer,	ay	
	Mr. T. Smith,	ay	
<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Mr. Vandyke,	ay	
<i>Maryland,</i>	Mr. Jenifer,	ay	} ay
	Mr. Carroll,	ay	
	Mr. Madison,	ay	
<i>Virginia,</i>	Mr. Bland,	ay	} ay
	Mr. M. Smith,	ay	
	Mr. Randolph,	ay	
<i>North-Carolina,</i>	Mr. Sharpe,	ay	> *
<i>South-Carolina,</i>	Mr. Matthews,	no	} ay
	Mr. Bee,	ay	
<i>Georgia,</i>	Mr. Eveleigh,	ay	} ay
	Mr. Walton,	ay	
	Mr. Howly,	ay	

So it was resolved in the affirmative.

TUESDAY, August 21, 1781.

The report of a committee, consisting of Mr. Boudinot, Mr. Var-



num, Mr. Sherman, to whom was referred a letter of the 8th, from general Washington, was taken into consideration; wherein the committee state, "that at a meeting of the commissaries of prisoners for both parties, at Germantown, in the month of June, 1778, a demand was made by the American commissary for payment of a number of Canadian officers, taken at St. John's and Chamblee, and sent into the British lines in 1776. The British commissary at the same time demanding an allowance for 440 American prisoners taken at the Cedars, and returned on parole: that it was then agreed between the said commissaries that both these demands should rest, one against the other, till the British commissary should obtain a certificate; whereupon,

*Resolved*, That the commander in chief be, and he is hereby authorized, to go into a full exchange of lieutenant-general Burgoyne, and all the remaining officers of the convention of Saratoga, with the enemy, in such manner as to him shall appear most conducive to the general interests of the United States.

*Resolved*, That the prisoners taken by the enemy at the Cedars, may be considered as subjects of exchange, notwithstanding any former resolutions of Congress to the contrary; and that the commander in chief be, and hereby is instructed to charge in the intended exchange, the several officers taken in Canada, and whose ranks were disputed by the enemy and engaged by their commissary to be settled and adjusted in manner aforesaid, according to the ranks mentioned in their paroles, unless the enemy produce sufficient proof of a different rank.

The report of the committee, to whom was referred a report of the board of treasury relative to certain bills of exchange, was taken into consideration; and, thereupon,

*Resolved*, That the commander in chief be, and he is hereby instructed to remonstrate to the commanding-officer of the British troops, on the subject of 16 sets of bills of exchange, drawn by sundry British officers prisoners of war, in payment of the allowance of two dollars per week, allowed them by Congress, and by the said officers ordered to be protested, as appears by the several protests attending the said bills; and that he report the answer of the said commanding-officer to Congress:

*Ordered*, That the board of treasury furnish the commander in chief with certified copies of the said bills, protests and the letters attending them.

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WEDNESDAY, August 22, 1781.

On motion of Mr. Madison, seconded by Mr. Randolph,

*Resolved*, That in case general Burgoyne shall have been exchanged for the hon. Henry Laurens, credit shall be given for the officers which may be received for him in the general exchange, authorized by the resolution of the 21st.

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THURSDAY, August 23, 1781.

On a report of the board of war of the 27th of May, 1779:

*Resolved*, That as the corps of light-dragoons are generally detached from each other, which renders it impracticable for their bri-



gade-chaplain to perform the duties of his office, such a chaplain is unnecessary ; and that the present brigade-chaplain to the light-dragoons, if any there be, be discharged from service.

On a report of the board of war of 24th July, 1779 :

*Resolved*, That the supreme executive council of Pennsylvania be requested to appoint proper persons, to make a just appraisement of the leaden spouts taken in the year 1777, from the houses of sundry inhabitants of Philadelphia, by order of Congress, for the use of the United States ; and that they direct the appraisers to return to the board of war and ordnance such their valuation and appraisement.

On a report of the board of war of 19th December, 1780 :

*Resolved*, That the board of war and ordnance be, and hereby are authorized and directed to take measures for vacating the contract made by order of Congress the 19th day of September, 1777, with James Byers, cannon-founder.

*Ordered*, That the remainder of the report of the board of war be re-committed to the board to take order.

On motion of Mr. Varnum, seconded by Mr. Duane,

*Ordered*, That a circular letter be written by the president, to the executives of the states unrepresented in Congress, urging them, in the strongest terms, to send forward a full representation as expeditiously as possible.

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FRIDAY, August 24, 1781.

On a report of the board of admiralty of the 8th of July, 1781 :

*Resolved*, That Joshua Johnson, Esq; be, and he is hereby authorized to examine, audit and settle the accounts of T. D. Schweighhauser, against the frigate Alliance ; and that the minister plenipotentiary of these United States at the court of Versailles be, and he is hereby empowered and directed to pay the balance that may be found due to the said T. D. Schweighhauser, upon the liquidation and settlement of the said J. Johnson.

On a report of a committee, consisting of Mr. Montgomery, Mr. Lovell, Mr. Atlee, Mr. Walton, to whom were referred reports of the board of war of the 10th and 15th :

*Resolved*, That until the further order of Congress, the treasurer of the United States be, and he is hereby authorized and directed to pay to Elizabeth Bergen, by quarterly payments, the sum of 53½ dollars per annum, from the 13th day of July last.

On motion of Mr. M. Smith, seconded by Mr. Jones,

*Resolved*, That the superintendant of finance be, and hereby is directed to make provision for support of the civil-list, agreeably to the resolution of the 30th day of July last ; the report of the board of treasury, and the act of Congress thereon of the 2d inst. notwithstanding.

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TUESDAY, August 28, 1781.

*Ordered*, That the board of war make sale of the cannon and stores, now in the state of Rhode-Island, and late belonging to the sloop Argo, for specie only ; and that the monies arising therefrom, be placed in the hands of the superintendant of finance.

*Ordered*, That Mr. Bland have leave of absence.



WEDNESDAY, August 29, 1781.

Mr. Matthews laid before Congress information given by Mr. J. Neufville, respecting the treatment of col. Isaac Haynes by the British commandant at Charlestown; and, thereupon, made a motion, which was seconded by Mr. Walton:

*Ordered*, That the said information and motion be referred to a committee of three:

The members, Mr. Randolph, Mr. Duane, Mr. Varnum.

On a report of a committee, consisting of Mr. Bland, Mr. Varnum, Mr. Duane, to whom were referred fundry motions relative to the board of admiralty, the navy-boards, and the mode of conducting the business of the navy:

*Resolved*, That for the present an agent of the marine be appointed, with authority to direct, fit out, equip and employ the ships and vessels of war belonging to the United States, according to such instructions as he shall, from time to time, receive from Congress:

That all prizes belonging to the United States be sold under his direction, and the produce deposited by him in the hands of the superintendent of finance:

That all accounts and demands for pay and for all disbursements and expenses, respecting the said marine, be transmitted to the said agent for settlement and payment; and that he cause regular entries thereof to be made and kept:

That he shall be allowed a salary at the rate of 1500 dollars per annum, in full of all charges and expenses whatsoever: that he shall also be allowed a clerk, who shall receive for his services, a salary at the rate of 500 dollars per annum.

That both the agent and clerk shall, before they enter into their respective offices, take an oath before the president of Congress, well and faithfully to execute, the trust reposed in them, according to the best of their skill and judgment; and shall enter into bond with good and sufficient surety for the due and faithful performance of his office, which shall be lodged in the office of the secretary of Congress:

That as soon as the said agent shall enter into the execution of his office, the functions and appointments of the board of admiralty, the several navy-boards, and all civil-officers appointed under them, shall cease and be determined:

And lastly, that the registers, books and papers, belonging to the admiralty and navy-boards, or in their custody, shall be delivered over to the said agent, and preserved by him.

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THURSDAY, August 30, 1781.

On a report of a committee, consisting of Mr. Sherman, Mr. Matthews, Mr. Randolph, to whom was referred a letter of the 25th, from the lieutenant-governor and fundry members of the privy-council of South-Carolina:

*Ordered*, That a warrant be drawn on the treasurer to advance to the hon. Christopher Gadsden, lieutenant-governor of the state of South-Carolina, and the hon. Thomas Ferguson, Richard Hutson, Benjamin Cattel and David Ramsey, members of the privy-council of the said state, the sum of 266 $\frac{2}{3}$  dollars specie, each, on their application, and charge the same to the account of the said state:



*Ordered*, That the board of war furnish the hon. Christopher Gadsden, Thomas Ferguson, Richard Hutson, Benjamin, Cattel and David Ramsey, with a waggon and team to carry their baggage to South-Carolina.

FRIDAY, August 31, 1781.

A report of the board of war, on a letter of this day, from brigadier-general Knox, in pursuance of orders from the commander in chief, was read; wherein they recommend that it may be resolved,

“ That the board of war take order for forwarding to the southern-army, all the repaired arms in the city of Philadelphia, to be disposed of as the commander in chief shall think proper, the resolution of the 26th April notwithstanding.”

A motion was made by Mr. Sharpe, seconded by Mr. Carroll, to strike out the words “ southern-army,” and in lieu thereof, insert, “ governor of the state of North-Carolina;” and to strike out what follows the word “ Philadelphia,” and in lieu thereof, insert, “ for the purpose of arming the new levies raised in that state for the service of the United States.”

On the question to agree to this, the yeas and nays being required by Mr. Sharpe,

<i>New-Hampshire,</i> <i>Massachusetts,</i>	Mr. Livermore,	no	} *
	Mr. Lovell,	no	
	Mr. Patridge,	no	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Mowry,	no	} no
	Mr. Varnum,	no	
	Mr. Sherman,	no	
<i>Connecticut,</i> <i>New-York,</i>	Mr. Duane,	no	} *
	Mr. L'Hommedieu,	no	
<i>Pennsylvania,</i>	Mr. Atlee,	no	} no
	Mr. Clymer,	no	
	Mr. M'Kean,	no	
<i>Delaware,</i> <i>Maryland,</i>	Mr. Jenifer,	no	} *
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Jones,	no	} divided.
	Mr. Madison,	no	
	Mr. Bland,	no	
	Mr. M. Smith,	no	
	Mr. Randolph,	no	
<i>North-Carolina,</i> <i>South-Carolina,</i>	Mr. Sharpe,	ay	} *
	Mr. Matthews,	no	
	Mr. Eveleigh,	no	
<i>Georgia,</i>	Mr. Walton,	no	} no
	Mr. Howly,	no	

So it passed in the negative.

On the question to agree to the report of the board of war, the yeas and nays being required by Mr. Sharpe,



<i>New-Hampshire,</i> <i>Massachusetts,</i>	Mr. Livermore,	ay	} *
	Mr. Lovell,	ay	
	Mr. Patridge,	ay	
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Mowry,	ay	} ay
	Mr. Varnum,	ay	
<i>Connecticut,</i> <i>New-York,</i>	Mr. Sherman,	ay	} *
	Mr. Duane,	ay	
	Mr. L'Hommedieu,	ay	
<i>Pennsylvania,</i>	Mr. Atlee,	ay	} ay
	Mr. Clymer,	ay	
<i>Delaware,</i> <i>Maryland,</i>	Mr. M'Kean,	ay	} *
	Mr. Jenifer,	ay	
	Mr. Carroll,	no	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Bland,	ay	
	Mr. Smith,	ay	
	Mr. Randolph,	ay	
<i>North-Carolina,</i> <i>South-Carolina,</i>	Mr. Sharpe,	no	} *
	Mr. Matthews,	ay	
	Mr. Eveleigh,	ay	
<i>Georgia,</i>	Mr. Walton,	ay	} ay
	Mr. Howly,	ay	

So it was resolved in the affirmative.

The committee, consisting of Mr. Randolph, Mr. Vandyke, Mr. Ellsworth, to whom was referred a memorial of the hon. the minister of France of the 23d, informing, that the situation of affairs requires that Mr. de l'Etombe, consul-general of France, in the four New-England states, should immediately repair to the place of his destination, delivered in a report; whereupon,

*Resolved,* That upon Mr. de l'Etombe presenting to the United States in Congress assembled, his commission as consul-general of France, an act be thereupon passed recognizing him in his proper character:

That upon delivery thereof, the exequatur, or a public notification of the quality of Mr. de l'Etombe, shall issue from the supreme executive power without fee or perquisite of office:

*Resolved,* That until the ratification of some convention respecting consular power, between his most Christian majesty and the United States, the same mode of recognition be observed.

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TUESDAY, September 4, 1781.

A letter, of this day, from general Washington, was read, relative to the sending an officer to inspect the situation of the prisoners in the power of the enemy; whereupon,

*Resolved,* That the commander in chief be, and he is hereby empowered to act in this matter as he shall think most conducive to the public interest.

On a report of a committee, consisting of Mr. Varnum, Mr. Atlee,



Mr. Bee, to whom was referred a letter of 31st August from colonel du Buysson :

*Resolved*, That lieutenant-colonel du Buysson have leave of absence to return to France :

*Resolved*, That the board of war be, and is hereby directed to write to the marquises de Castres and Segur, ministers of the marine and war-departments in France, expressing the high sense which Congress entertain of the distinguished merit and conduct of lieutenant-colonel du Buysson in the service of the United States, and particularly of his bravery displayed in the action of the 16th of August, 1780, near Camden, and his efforts to bring off the field major-general the baron de Kalb, who was mortally wounded, in consequence of which services he was honored with the commission of brigadier-general by the governor of North-Carolina.

On a report of a committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, to whom was referred a letter of the 2d, from Mr. J. Laurens, together with fundry papers, containing an account of the negociation with which he was entrusted, by the commission of the 23d December, 1780.

*Resolved*, That all the clothing, artillery, arms and military-stores, shipped in pursuance of the orders of the hon. John Laurens, special minister to the court of Versailles, for the use of the United States, be upon their arrival in any of the ports of these United States delivered to the order of the board of war, who are hereby empowered and directed to take charge and direction of the same :

That all the money shipped by the order of Mr. Laurens, for the use of the United States, be upon its arrival delivered to the order of the superintendant of finance, who is hereby empowered and directed to take charge of the same.

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WEDNESDAY, September 5, 1781.

The board of treasury report, "that in pursuance of the order of the 21st June last, they have caused the accounts of capt. Miguel Lorenzo Ysnardy, to be adjusted, and find that there is due to him for eight pieces of cannon and naval-stores, delivered to the commanding-officer at Charlestown, prior to the siege thereof, the sum of  $1967\frac{83}{90}$  dollars specie, and for the pay of his ships' company employed during the siege, the further sum of  $2237\frac{45}{90}$  dollars ; that capt. Ysnardy having informed the board, that the cannon mentioned above, is the property of his Catholic majesty, and distinct from the stores which are his private stock, the board has granted him certificates, one for the amount of the cannon, and another for the stores with which he is satisfied ; that capt. Ysnardy declines receiving any satisfaction for the sum due to himself and crew, assisting in the defence of Charlestown, from a desire of shewing his attachment to the American cause.

On a report of the board of war :

*Resolved*, That the accounts of Samuel Caldwell, late agent-clothier, for articles purchased by him, under the orders of the board of war, be referred to the board of treasury for settlement ; and that the board settle the balances due to the several creditors, and report the same to Congress.



On a report of a committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, to whom was referred the report of the hon. J. Laurens, special minister of the United States at the court of Versailles, respecting his mission :

*Resolved*, That the conduct of lieutenant-colonel Laurens, in his mission to the court of Versailles, as special minister of the United States is highly agreeable to Congress, and entitles him to public approbation.

*Resolved*, That lieutenant-colonel Laurens, have leave to join the army agreeably to his request.

*Resolved*, That the board of war take order for putting lieutenant-colonel de Buysson, with respect to his arrears of pay, on a footing of equality with the rest of the officers of the army ; and that his pay be liquidated in specie up to this day, and a certificate for the balance made out and delivered to him.

The report of a committee, consisting of Mr. Clymer, Mr. Randolph, Mr. Carroll, to whom was referred a petition of Roger Kean, in behalf of himself and the officers, mariners and marines, of the privateer brigantine of war, called the Holker, was taken into consideration ; whereby it appearing, that the petitioners entered an appeal according to law against Patrick Mahon and others, in the court of admiralty of Pennsylvania, and the necessary stipulations would have been executed in due form, and within due time, had it not been for the indisposition and death of the register :

That the time allowed for the execution of these stipulations having elapsed through these means, the petitioners moved the court of appeals to receive stipulations executed after that time, but their motion was overruled ; the court being by strictness of law incapable to interpose :

*Resolved*, That it be an instruction to the court of appeals to receive and hear the appeal of the petitioners against the said Patrick Mahon and others, they entering into the necessary stipulations, on or before the 20th day of this present month of September, and giving reasonable notice to the council of the said Mahon and others, of this resolution and the execution of such stipulations.

A report of a committee, consisting of Mr. Sherman, Mr. Duane, Mr. Clymer, to whom was referred a report on a letter of the 12th of July, 1780, from John Bradford, was taken into consideration, and, thereupon it was resolved as follows :

Whereas by a resolution of Congress of the 11th day of May, 1778, the board of war of the state of Massachusetts, was requested with all-convenient speed, in the best manner, and for the most money possible, to make sale of a certain snow and her cargo, said to be the property of Messrs. John Ignatius de Oliveria Percira and Anthony Dios Santos, subjects of the king of Portugal ; and to deposit the net proceeds in the public funds of these United States for the benefit of the owners : and whereas the United States have since paid the said owners the value and amount of the said snow and cargo :

*Resolved*, That the superintendant of finance be, and he is hereby authorized and directed on behalf of the United States, to take order for the settlement of the accounts respecting the said snow and cargo



with the said board of war, and receive from them the net proceeds thereof, according to the just value thereof at the time of sale, with interest thereon at the rate of six per cent. per annum, or the loan-office certificates taken for the same, if the money was deposited in the funds agreeably to the said resolution.

On a report of a committee, consisting of Mr. Sherman, Mr. Duane, Mr. Randolph, to whom were referred the instructions from the assembly of the state of Georgia to the delegates of that state, and their motion thereon relative to major-general R. Howe :

*Ordered*, That the extracts from the minutes of the general assembly of the state of Georgia, respecting the conduct of major-general Robert Howe, in his command of the troops in the said state, in December, 1778, be transmitted to the commander in chief ; and that he be directed to cause an enquiry to be made into the matters therein alleged, in such manner as he shall judge proper, as soon as circumstances will admit.

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THURSDAY, September 6, 1781.

On a report from the board of treasury :

*Ordered*, That the post-master-general cause to be delivered to the board of treasury, all letters directed to the said board, charging the postage arising thereon to account, which he is to exhibit to the auditors on the settlement of his accounts.

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FRIDAY, September 7, 1781.

A memorial from the hon. the minister plenipotentiary of France, was read, enclosing a commission of the sieur Philip Joseph de l'Etombe, consul-general of France, in the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, and Connecticut ; whereupon,

*Ordered*, That the said commission be registered ; and that the act of recognition be in the following words :

By the United States in Congress assembled :

It is hereby made known to all whom it may concern, that full credence and respect are to be paid to Philip Joseph de l'Etombe, as consul-general of France, for the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, and Connecticut, which states are called upon respectively, by virtue of the powers delegated by the confederation to the United States in Congress assembled, to furnish the said Mr. de l'Etombe with their exequatur or notification of his quality, delivering one copy thereof to the said Mr. de l'Etombe, and causing another to be published in one or more gazettes. Done at Philadelphia, this 7th day of September, in the year of our Lord, 1781, and in the 6th year of our independence :

By the United States in Congress assembled,

THOMAS M'KEAN, *President*.

Attest :

CHARLES THOMSON, *Secretary*.

*Resolved*, That the president inform the supreme executive power of the states aforesaid, that Congress recommend the following form of the exequatur, to wit :



To all whom it may concern :

The fleur Philip Joseph de l'Etombe, having been recognized by the United States in Congress assembled, as consul-general of France, in the state (or commonwealth) aforesaid, it is hereby declared, that the privileges, pre-eminence and authority belonging to such character and quality are due to him.

Some further information being laid before Congress and read, respecting colonel Haynes :

*Ordered*, That the report of the committee on the information of Mr. Neuville and motion of Mr. Matthews, respecting colonel Haynes, be re-committed ; and that the further information be referred to the said committee.

A report of a committee, consisting of Mr. Jenifer, Mr. Sharpe, Mr. Clymer, to whom was referred a report of the board of war, was taken into consideration, wherein they state, that there is due to the following persons mentioned in a memorial from captain J. P. Jones, for services on board the Ariel, the sums of money to their names respectively annexed, viz.

To William Nicholson, captain of marines, including his pay to the 25th of August last,  $392\frac{36}{90}$  dollars :

To Louis de la Valette, lieutenant of marines, to do.  $289\frac{36}{90}$  dollars :

To Charles Prielay, captain's steward, to 16th May,  $101\frac{63}{90}$  dollars :

To Cudreux, captain's cook, to do.  $51\frac{22}{90}$  dollars :

That there appears due to French volunteers for services on board the said ship Ariel, whose names are in a list transmitted by Mr. Holker, in his letter of the 14th of August, the sum of  $666\frac{16}{90}$  dollars :

That there is due to captain Joseph Hardy, of marines, late of the frigate Confederacy, being the balance of his account of pay as stated at the pay-office to the 3d of August, the sum of  $337\frac{68}{90}$  dollars :

*Ordered*, That the pay-master of the navy-board pay the several sums aforementioned :

*Ordered*, That so much of the report as relates to major Nicholas, be re-committed.

*Ordered*, That so much of Mr. Holker's letter of the 14th of August, as relates to apprehending French seamen, be transmitted to the supreme executive council of Pennsylvania.

On motion of Mr. Varnum, seconded by Mr. Duane,

*Resolved*, That until an agent of marine shall be appointed by Congress, all the duties, powers and authority assigned to the said agent, be devolved upon and executed by the superintendant of finance :

That as soon as the said superintendant shall take upon him the execution of the duties, powers and authority hereby devolved upon him, the functions and appointments of the board of admiralty, the several navy-boards, agents, and all civil-officers under them, shall cease and determine :

*Resolved*, That the registers, books and papers belonging to the admiralty and navy-boards, or in their custody, be delivered over to the said superintendant of finance and preserved by him.

On a report of a committee, consisting of Mr. Varnum, Mr. Sharpe, Mr. Carroll, to whom was referred a report of the board of war on a



letter from the quarter-master-general, respecting forage in Westchester :

*Resolved*, That major-general Heath, or the commanding-officer in the eastern-department, cause immediate and equitable measures to be taken for ascertaining the quantity of forage expended by the allied army under the command of general Washington, in the county of Westchester, in the state of New-York, during the present campaign, which hath not been accounted for; and that he direct the deputy quarter-master in that department to give certificates accordingly to the state agent of New-York, or any other person or persons authorized to receive the same,

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MONDAY, September 10, 1781.

A letter, of this day, from William Grayson, one of the commissioners of the board of war, was read, requesting that Congress will now be pleased to accept his resignation as commissioner in the war-office.

*Resolved*, That his resignation be accepted.

A memorial from the hon. the minister plenipotentiary of France was read, enclosing a commission from his most Christian majesty, appointing the sieur Holker consul-general in the states of New-York, New-Jersey, Pennsylvania and Delaware :

*Ordered*, That the said commission be registered, and an act of recognition issued thereupon.

On a report of a committee, consisting of Mr. Varnum, Mr. Atlee, Mr. Duane, to whom was referred a letter of this day, from the board of war :

*Resolved*, That it be, and hereby is recommended to the states of New-Jersey and Pennsylvania, immediately to embody 3000 men, each, properly officered and equipped, and cause them to rendezvous at such place or places as the commanding-officers shall direct.

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TUESDAY, September 11, 1781.

An ordinance for regulating the treasury, &c. was read a third time, and passed in the following form :

*An ordinance for regulating the treasury, and adjusting the public accounts.*

Be it ordained by the United States in Congress assembled, that from and after the 20th day of September, 1781, the functions and appointments of the commissioners of the treasury, chambers of accounts, auditor-general, auditors and extra-commissioners of accounts, their assistants, under officers and clerks, shall cease and determine : that for the more effectual execution of the business of the treasury, and the settlement of the public accounts, the following officers shall be appointed in aid of the superintendant of finance, his assistant, secretary and clerks, namely, a comptroller, a treasurer, a register, auditors and clerks. The comptroller shall be appointed by Congress, with general authority to inspect and superintend the settlement of public accounts, and all subordinate officers concerned therein ; it shall be his immediate duty to see that the public accounts are expeditiously and properly adjusted, and accurately and safely kept. And, that it



may be done with the greater facility, he shall direct a general form in which all the public accounts shall be stated and rendered. He shall take care that the balances of public monies are punctually deposited in the hands of the treasurer. The comptroller shall commit every account to such clerk for examination, as he shall judge most proper for that purpose, naming also the auditor to whom the clerk shall transmit it. When an account is audited in a manner herein after described, it shall be reported to the comptroller, and any person who shall think himself aggrieved by the judgment of the auditor, shall have a privilege of appealing within 14 days to the comptroller. In all such appeals the comptroller shall openly and publicly hear the parties, and his decision shall be conclusive. The account being finally adjusted, shall be transmitted by the comptroller to the register, to be entered on record; and a note of the balance shall be certified by the comptroller to the superintendant of finance, to make out the proper warrant for payment.

The treasurer shall be appointed by Congress. It shall be his duty to receive and keep all monies of the United States, and issue them on warrants drawn by the president of Congress, or the superintendant of finance. On receiving money he shall give a receipt, and on every payment take one, to serve as his voucher. He shall render his accounts quarterly to the comptroller for examination and settlement, and transmit a copy, when audited, to the superintendant.

The register shall be appointed by Congress. He shall keep all the public accounts, both of receipts and expenditures, and every warrant on the treasury or others shall be entered and countersigned by the register before it shall be paid. He shall have the appointment of the clerk or clerks necessary to assist him in his office.

The auditors, the number of whom shall be fixed by the superintendant of finance, shall be appointed by Congress. After an account shall be examined by the clerk, in the manner herein after directed, it shall be delivered to the auditor, who shall hear the party and the clerk, and determine upon the objections, and being satisfied that the account is properly adjusted, shall pass it as audited, and transmit it to the comptroller.

The clerks, the number of whom shall also be regulated by the superintendant of finance, shall be appointed by the comptroller: it shall be their duty respectively to examine all accounts which shall be committed to them by the comptroller, to correct all errors, and to note in writing what may appear exceptionable, either as to the propriety of the charge, or the validity of the vouchers; and transmit the accounts with his remarks to the auditor; and the party, for himself, and the clerk, on behalf of the public, shall be heard before the auditor.

That the several officers before-mentioned, shall respectively take an oath, to be administered by the president of Congress, or one of the judges of supreme or superior court within any of the United States, for the faithful execution of the trust reposed in them respectively.

*Resolved*, That the salary of the comptroller be 1850 dollars per annum:

That the salary of the treasurer be 1500 dollars per annum:

That the salary of the register be 1200 dollars per annum:

That the salary of each auditor be at the rate of 1000 dols. per annum:



That the salary of each clerk be at the rate of 500 dols. per annum :  
*Resolved*, That the superintendant of finance be, and hereby is authorized to appoint a secretary in his office, with a salary of 1000 dollars per annum.

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WEDNESDAY, September 12, 1781.

On a report of a committee, consisting of Mr. Matthews, Mr. Sherman, Mr. T. Smith, to whom were referred the letters of 8th and 10th, from the superintendant of finance :

*Resolved*, That the superintendant of finance be, and hereby is authorized and directed to fit out and employ the ships of war belonging to these United States, in such manner as shall appear to him best calculated to promote the interest of these United States ; and that all necessary expenses incurred in consequence thereof, be defrayed by the United States.

The committee, consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman, to whom was referred a letter from S. Deane, of the 15th of May last, report,

“ That provision is made for the examination of Mr. Deane’s accounts, by the appointment of a vice-consul ; whereupon,

*Ordered*, That Mr. Deane be informed of that appointment.

The committee, consisting of Mr. Clymer, Mr. Lovell, Mr. Sherman, to whom was referred a letter of the 12th of April last, from Mr. W. Lee, report,

“ That upon principles admitted by Congress, in the settlement of an account similar to that transmitted by Mr. Lee, there appears to be due to him a balance of 42,189 livres tournois ;” whereupon,

*Ordered*, That the account be referred to the superintendant of finance, to take order for payment of the balance, with interest at the rate of six per cent. per annum, from this day, as soon as the state of public finances will admit.

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THURSDAY, September 13, 1781.

On motion of Mr. Sherman, seconded by Mr. Wither Spoon,

*Resolved*, That Thursday, the 13th day of December next, be appointed to be observed as a-day of public thanksgiving throughout the United States ; and that a committee be appointed to prepare and report a proclamation suitable to the occasion :

The members, Mr. Wither Spoon, Mr. Montgomery, Mr. Varnum, Mr. Sherman.

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FRIDAY, September 14, 1781.

On motion of Mr. Randolph, seconded by Mr. Sherman,

*Resolved*, That until the ratification of some convention between his most Christian majesty and the United States, concerning vice-consular power, every vice-consul of his most Christian majesty shall, upon the application of the consul appointing him, to the supreme executive power of the state to which he may be sent, receive the exequatur, in like form with the exequatur delivered to a consul *mutatis mutandis*, and thereupon the same proceedings shall be had with respect to publication.



*MONDAY, September 17, 1781.*

Mr. Telfair, a delegate from the state of Georgia, attended, and took his seat.

On a report of a committee, consisting of Mr. Livermore, Mr. Jones, Mr. Matthews, to whom was referred a letter of the 28th of August, from the governor of Rhode-Island, &c.

*Resolved*, That it be recommended to the executive power of the state of Rhode-Island, &c. to settle and pay the reasonable rents not already paid, of such store-houses as have been used by order of the commanders of the French fleet and army in that state, and charge the same to the United States.

*TUESDAY, September 18, 1781.*

On a report of a committee, consisting of Mr. Varnum, Mr. Livermore, Mr. Atlee, to whom were referred the letter of the 25th of August, from major-general Greene, and the letter of the 17th inst. from the lieutenant-governor of South-Carolina; it was resolved as follows:

The United States in Congress assembled, viewing with abhorrence the barbarous and unexampled conduct of the British commanders in the late murderous and wanton execution of colonel Haynes, a citizen of the state of South-Carolina, and being impressed with the necessity of putting a stop to such violations of the laws of nations and arms:

*Resolved*, That the conduct of major-general Greene, in taking necessary measures for retaliation, be, and hereby is approved:

*Resolved*, That major-general Greene be, and hereby is authorized to take the most prudential measures in reforming and completing the corps of South-Carolina and Georgia state troops.

A report of a committee, consisting of Mr. Randolph, Mr. Duane, Mr. Varnum, to whom were referred several motions on the subject of retaliation, together with two letters, one from major-general the marquis de la Fayette, and the other from the hon. Dr. Franklin, minister plenipotentiary of the United States at the court of Versailles, was taken into consideration; and,

It appearing from the depositions of Humphry Mechamhor, Ranson Savage, Thomas Wood, Jesse Farrar and Thomas Duffy, that the enemy are in the daily practice of forcing such Americans as have been captivated into their own sea-service by the most pointed cruelties: it also appearing from the letter of the minister plenipotentiary of these United States at the court of Versailles, that American prisoners in Great-Britain are encreasing in number by the transportation of them thither from New-York, and the refusal of the British admiralty to exchange Americans for any British prisoners not taken by American armed vessels: and it further appearing, that no regular cartel hath hitherto been established:

The foregoing facts being taken into consideration, and it being further recollected, that besides these proofs of British inhumanity, the files of Congress abound with instances, in which American citizens have been sacrificed in noisome dungeons, for their inflexible patriotism in refusing to assume arms against their country:

*Resolved*, That the board of war be, and are hereby directed to set



apart 500 British prisoners, including a due proportion of officers, to whom exchange shall be denied, until the American prisoners now in Great-Britain, be returned to these states by exchange or otherwise :

That the board of war report a plan and an estimate of the expense for erecting Symsbury mines, in the state of Connecticut, into a state prison for the reception of British prisoners of war, and for the purpose of retaliation.

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WEDNESDAY, September 19, 1781.

On motion of Mr. Boudinot, seconded by Mr. Duane,

*Ordered*, That major-general St. Clair cause the levies of the Pennsylvania line, now in Pennsylvania, to rendezvous at or near Philadelphia, with all-possible expedition.

*Ordered*, That the intelligence this day received respecting the movements of the enemy at New-York, be transmitted to major-general Heath.

*Resolved*, That the state of Delaware be requested, immediately to hold the whole of the militia of that state in readiness, and that one-half of them may be forthwith ordered into the field, as the movements of the enemy at New-York indicate an attack in that quarter.

Congress proceeded to the election of officers in the treasury-office ; and, the ballots being taken,

Michael Hillegas was elected treasurer, having been previously nominated by Mr. Sherman ; and,

Joseph Nourse was elected register, having been also nominated by Mr. Sherman.

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THURSDAY, September 20, 1781.

On motion of Mr. Sharpe,

*Resolved*, That the governor and council of the state of North-Carolina be desired to erect a monument, at the expense of the United States, not exceeding the value of 500 dollars, to the memory of the late brigadier-general Davidson, who commanded the militia of the district of Salisbury, in the state of North-Carolina, and was killed on the first day of February last, fighting gallantly in the defence of the liberty and independence of these states.

On motion of Mr. Walton, seconded by Mr. Telfair,

*Resolved*, That the legislature of the state of Georgia be desired to erect a monument, at Sunbury, in the said state, at the expense of the United States, not exceeding 500 dollars, to the memory of the late brigadier-general Scriven, who fell, covered with wounds, fighting for the liberties of the United States.

On a report of the board of war respecting the hospital-department :

*Resolved*, That the present vacancies of hospital-physicians and surgeons, be filled up by the senior surgeons of the hospital lately deranged ; the eldest hospital-mates or regimental-surgeons, as shall be recommended by the director and chief physician and surgeon to the army :

That all future vacancies of hospital-physicians and surgeons, be filled by the eldest regimental-surgeons and hospital-mates, who shall be reckoned of equal grades, who shall upon examination be found quali-



fied, and obtain a certificate of recommendation from the director and chief-physician and surgeon of the army, or of the deputy-director and chief-physician in a separate department :

That the persons requisite to fill the higher grades in the hospital and medical-department, be appointed, from time to time, by Congress, according to merit and abilities :

That all surgeons to regiments or corps not belonging to the line of any particular state, be nominated by the director of the hospitals, and the chief-physician and surgeon of the army, subject to the approbation of the commander in chief, and shall be equally entitled to promotion to hospital-physicians and surgeons with the regimental-surgeons of state lines.

On recommendation of the director appointed by the board of war :

*Resolved*, That Dr. Joseph Young, a deranged senior surgeon, and doctors Goodwin Willson, Daniel Jenifer, Samuel Edmondson and George Campbell, eldest surgeon's-mates, be promoted to the rank of hospital-physicians and surgeons, to fill the vacancies occasioned by the resignations of doctors Bloomfield, Scott, Hagan and Jackson, and the promotion of Dr. Burnet.

On the recommendation of the deputy-director, approved by the board of war :

*Resolved*, That doctors Thomas Tudor Tucker, and Vickers, be appointed physicians and surgeons in the hospital for the southern-department :

That Daniel Smith be appointed assistant-deputy-purveyor, and John Carne assistant-deputy-apothecary, in the southern-department.

FRIDAY, September 21, 1781.

A letter, of this day, from the superintendant of finance, was read, with sundry papers relative to the hospital-department :

*Ordered*, That they be referred to a committee of three.

A motion was made by Mr. Duane, seconded by Mr. Varnum,

“ That the resolutions respecting the filling up vacancies in the general-hospital, and the promotions made yesterday, be suspended until the committee to be appointed shall have reported.”

And on the question to agree to this, the yeas and nays being required by Mr. Duane,

New-Hampshire,	Mr. Livermore,	ay	} *
Massachusetts,	Mr. Lovell,	ay	
	Mr. Patridge,	ay	
	Mr. Osgood,	ay	
Rhode-Island,	Mr. Mowry,	ay	} ay
	Mr. Varnum,	ay	
Connecticut,	Mr. Sherman,	ay	} *
New-York,	Mr. Duane,	ay	
	Mr. L'Hommedieu,	ay	} ay
New-Jersey,	Mr. Boudinot,	ay	
Pennsylvania,	Mr. Montgomery,	ay	} ay
	Mr. Atlee,	ay	
	Mr. Clymer,	ay	
	Mr. T. Smith,	ay	



<i>Delaware,</i>	Mr. <i>M<sup>c</sup>Kean,</i>	<i>ay</i>	} <i>*</i>
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	<i>no</i>	
	Mr. <i>Carroll,</i>	<i>ay</i>	
<i>Virginia,</i>	Mr. <i>Jones,</i>	<i>ay</i>	} <i>divided.</i>
	Mr. <i>Madison,</i>	<i>ay</i>	
	Mr. <i>Bland,</i>	<i>no</i>	
	Mr. <i>Randolph,</i>	<i>ay</i>	} <i>ay</i>
<i>North-Carolina,</i>	Mr. <i>Sarpe,</i>	<i>ay</i>	
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>no</i>	
	Mr. <i>Bee,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Motte,</i>	<i>no</i>	
	Mr. <i>Eveleigh,</i>	<i>no</i>	
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Howly,</i>	<i>ay</i>	

So the motion was lost.

Congress resumed the second reading of the ordinance respecting captures; and on the question to agree to the following paragraph, viz.

"On the re-capture by a citizen, of any Negro, Mulatto, Indian or other person from whom labour or service is lawfully claimed by another citizen, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, a reasonable salvage being paid by the claimant to the re-captor, not exceeding  $\frac{1}{4}$ th part of the value of such labour or service, to be estimated according to the laws of the state of which the claimant shall be a citizen: but if the service of such Negro, Mulatto, Indian or other person, captured below high-water mark, shall not be legally claimed by a citizen of these United States, he shall be set at liberty."

The yeas and nays being required by Mr. Matthews,

<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Patridge,</i>	<i>ay</i>	
	Mr. <i>Osgood,</i>	<i>ay</i>	
<i>Rhode-Island,</i>	Mr. <i>Mowry,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Varnum,</i>	<i>ay</i>	
<i>Connecticut,</i>	Mr. <i>Sherman,</i>	<i>ay</i>	} <i>*</i>
<i>New-York,</i>	Mr. <i>Duane,</i>	<i>ay</i>	
	Mr. <i>L'Hommedieu,</i>	<i>ay</i>	} <i>ay</i>
<i>New-Jersey,</i>	Mr. <i>Boudinot,</i>	<i>ay</i>	
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Atlee,</i>	<i>ay</i>	
<i>Delaware,</i>	Mr. <i>M<sup>c</sup>Kean,</i>	<i>ay</i>	} <i>*</i>
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	<i>ay</i>	
	Mr. <i>Carroll,</i>	<i>ay</i>	} <i>ay</i>
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>ay</i>	
	Mr. <i>Bland,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Randolph,</i>	<i>ay</i>	
<i>North-Carolina,</i>	Mr. <i>Sarpe,</i>	<i>ay</i>	} <i>*</i>
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>no</i>	
	Mr. <i>Motte,</i>	<i>no</i>	} <i>no</i>
<i>Georgia,</i>	Mr. <i>Walton,</i>	<i>ay</i>	
	Mr. <i>Howly,</i>	<i>ay</i>	} <i>ay</i>

So it was resolved in the affirmative.



*Ordered*, That Monday next be assigned for the third reading of this ordinance.

A committee, consisting of Mr. Osgood, Mr. L'Houmedieu, Mr. Sherman, appointed to enquire into the state of the accounts depending before the board of treasury and chambers of accounts, report,

"That there are no matters depending before the board of treasury, but what without inconvenience, may be taken up by the proper officers under the new arrangement: but that there are fundry accounts depending before the chambers of accounts and considerable progress made in the settlement of some of them;" whereupon,

*Ordered*, That the late commissioners of the chambers of accounts, make a fair state of the several accounts referred them for settlement, so far as they have proceeded to adjusting the same, and deliver them to the comptroller or the auditors that shall be appointed to complete the settlement thereof, with all such remarks as they may have noted respecting any of the accounts by them examined, which are not completely settled.

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*SATURDAY, September 22, 1781.*

On motion of Mr. Varnum, seconded by Mr. Sherman,

*Ordered*, That no appointment be made of mates, to supply the places of those promoted in the general-hospital by the resolution of the 20th instant, until the further order of Congress.

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*MONDAY, September 24, 1781.*

Mr. Clark, a delegate for New-Jersey, and Mr. Hanson, a delegate for Maryland, attended, and took their seats.

A report of the board of war was read; whereupon,

*Resolved*, That brigadier-general Irwin be, and hereby is ordered to repair forthwith to Fort-Pitt, and take upon him the command of that garrison until further orders:

That brigadier-general Irwin be, and hereby is authorized and directed to arrange the troops which compose the garrison of Fort-Pitt and its dependencies, in such manner as to retain no more officers than are absolutely necessary for the number of non-commissioned officers and privates at those posts:

That brigadier-general Irwin be, and hereby is authorized and directed to arrange the staff-departments within his command, so as to retain no more officers or persons in those departments than the service absolutely demands:

That he be, and hereby is further empowered to call in, from time to time, such aids of militia as may be necessary for the defence of the post under his command and the protection of the country; and for this purpose the executives of the states of Virginia and Pennsylvania are requested to direct the proper officers of the militia in their respective states, to obey such orders as they shall receive, from time to time, from brigadier-general Irwin, for the purpose aforesaid.

On a report from the board of war:

*Resolved*, That major Lomagne, late of colonel's Armand's legionary corps, be permitted to retire from the service of the United States, in which he has distinguished himself by his personal bravery, his state of health not permitting his continuance in service.



Congress proceeded to the election of a comptroller; and the ballots being taken,

Mr. William Churchill Houston was elected, having been previously nominated by Mr. Boudinot.

Mr. A. Middleton, a delegate for the state of S. Carolina, attended, and produced the credentials of his appointment, which were read.

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*TUESDAY, September 25, 1781.*

A report from the board of war was read; whereupon,

*Resolved*, That the Rev. William Plumb receive the pay and emoluments of a brigade-chaplain, from the 20th day of September, 1777, when he was appointed chaplain to the northern-hospital by general Gates, during the time he continued in service:

That it be recommended to the state of Connecticut, of which Mr. Plumb is an inhabitant, to settle with him for his pay and depreciation, during the time he was on duty, on the principles adopted by them in their settlements with the officers of the line of that state.

On motion of Mr. Sherman, the following resolution was passed:

Whereas by a resolution of the 24th of August, 1780, officers are entitled to subsistence-money in lieu of rations withheld, according to the just cost of such rations:

*Resolved*, That the superintendant of finance be authorized and directed to ascertain the value of a ration, from time to time, and certify the same to the pay-master-general, who shall govern himself accordingly in settling with the officers.

On a report of a committee, consisting of Mr. Duane, Mr. Bee, Mr. Sherman, to whom was referred a report of the board of treasury respecting the claim of the representatives of Mr. du Coudray:

*Resolved*, That the sum of 14,886 livres, six sous and one denier tournois, be passed to the credit of the representatives of the late Mons. du Coudray, in the books of the treasury; and that the same when paid, shall be in full of his claims against these United States.

On a report of a committee, consisting of Mr. Duane, Mr. Livermore, Mr. Jones, to whom was referred a letter of the 9th of August last, from general Schuyler:

*Resolved*, That the commissioners for Indian affairs in the northern-department, be instructed, in answer to the representation and request of the friendly Caghawagas, to assure them that Congress have a just sense of their attachment to the United States, and will embrace every occasion to maintain their rights and redress their grievances.

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*THURSDAY, September 27, 1781.*

Mr. Edward Telfair, and Mr. Noble Wimberly Jones, two of the delegates for the state of Georgia, attended, and produced the credential of their appointment, which were read.

On motion of Mr. Matthews, seconded by Mr. Varnum,

*Ordered*, That major-general St. Clair pursue the orders of the commander in chief, the order of the 19th instant notwithstanding.

The ordinance respecting captures, being taken up for a third reading, a motion was made that a vote be taken on a particular para-



graph, on which at the second reading a vote had been taken, and which by that vote had been established.

An objection being made to this motion as being out of order, the president called for the judgment of the house :

And the question being put, " is the motion in order ? "

Passed in the negative.

*FRIDAY, September 28, 1781.*

On motion of Mr. Sherman, seconded by Mr. Mowry,

*Resolved*, That it be, and hereby is recommended to the several states of which the general-officers of the army are inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective state lines.

A report from the board of war was read ; whereupon,

*Resolved*, That it be, and hereby is recommended to the states of which the judge-advocate and his assistants are respectively inhabitants, to settle with them for the depreciation of their pay, on the principles adopted in settlements with the officers of their respective state line.

Mr. Boudinot laid before Congress the warrant drawn on Dr. J. Wither Spoon, pursuant to the resolution of the 8th of August last, returned under protest, with sundry letters relative to the same.

On a report of a committee, consisting of Mr. Bland, Mr. Sherman, Mr. Montgomery, to whom was referred a letter of 26th from major Lomagne.

*Ordered*, That the superintendant of finance furnish major Lomagne with a bill of exchange for 140 dollars, as a gratuity in addition to his pay, toward defraying the expenses of his return to France.

On motion of Mr. Varnum, seconded by Mr. Madison,

*Resolved*, That the commissioners of the board of war continue to exercise the duties appertaining to the war-department, until the 1st day of November next, any former resolution to the contrary notwithstanding.

On a report of a committee, consisting of Mr. Atlee, Mr. Sharpe, Mr. Motte, to whom was referred a letter of 21st from colonel Armand :

*Resolved*, That the superintendant of finance take order for the payment of the sum of £. 90 sterling advanced to colonel Armand by the governor of Massachusetts, and for 660 dollars specie for the payment of eight horses purchased by colonel Armand, to enable him to proceed to Philadelphia, for which several sums colonel Armand is to be accountable :

That the board of war, in conjunction with the superintendant of finance, take order for the recruiting and mounting colonel Armand's legion to its establishment.

*SATURDAY, September 29, 1781.*

On a report of a committee, consisting of Mr. Matthews, Mr. Boudinot, Mr. Varnum, Mr. Atlee, to whom was referred a letter of the 16th of August from brigadier-general Moultrie :

*Resolved*, That the superintendant of finance enable the pay-master to discharge the warrants drawn on him by virtue of the resolution



of the 13th of August last, by advancing three months real pay to each of the officers therein mentioned.

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*MONDAY, October 1, 1781.*

A letter, of 17th September, from R. R. Livingston, was read, accepting the office of secretary for foreign affairs.

On motion of Mr. Sherman, seconded by Mr. Varnum,

*Resolved*, That if an officer of the army shall be appointed secretary at war, he shall retain his rank in the army, but his pay and other emoluments as an officer shall be discontinued while he acts as secretary at war.

On motion of Mr. Sherman, seconded by Mr. Mowry,

*Resolved*, That the resolution of the 9th day of February, so far as relates to the salaries of a secretary at war and a secretary of marine, be, and it is hereby repealed; and that the salary of each of those officers be 4000 specie dollars per annum.

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*TUESDAY, October 2, 1781.*

A letter, of the 1st, from the superintendant of finance, was read, with sundry papers enclosed, stating his proceedings in the execution of secret service committed to him, and informing that the vessels in which he had remitted sundry bills for account of the United States, had been captured by the enemy, in consequence of which, fearing the bills might have fallen into the enemy's hands, he had written to Mr. Jay, on whom the bills were drawn, and desired him to protest them in case of their being presented; whereupon,

*Ordered*, That the president inform the superintendant of finance, that Congress approve his conduct, and are well satisfied with his attention to the public interest in directing the protest of the bills.

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*THURSDAY, October 4, 1781.*

Mr. Benjamin Hawkins, a delegate for the state of North-Carolina, attended, and produced the credentials of his appointment, which were read.

A letter, of the 7th September, from the governor of North-Carolina, was read, enclosing an act passed by the legislature of that state, in pursuance of the resolution of Congress of 3d February last, empowering Congress to levy a duty of five per cent. on all imports and prizes.

A report of the board of war on the memorial of captain-lieutenant A. Hoops, was read; whereupon,

*Resolved*, That captain lieutenant Adam Hoops, have leave to go to France until exchanged, his pay and rations to be suspended during his absence.

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*FRIDAY, October 5, 1781.*

*Resolved*, That a consul be appointed to reside in France in the room of W. Palfrey:

Congress proceeded to an election; and, the ballots being taken, Thomas Barclay was elected, having been previously nominated by Mr. Montgomery.



A motion was made by Mr. Montgomery, seconded by Mr. Sherman,

"That the supreme executive powers of Pennsylvania and Delaware respectively, be desired to discharge all, or as many as they may think proper, of their militia now in service, taking proper and effectual measures that they may be in readiness to assemble again without delay if necessary."

On which the yeas and nays being required by Mr. Varnum,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	ay	}	*
<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	ay		
	Mr. <i>Patridge,</i>	ay	}	ay
	Mr. <i>Osgood,</i>	ay		
<i>Rhode-Island,</i>	Mr. <i>Mowry,</i>	ay	}	divided.
	Mr. <i>Varnum,</i>	no		
<i>Connecticut,</i>	Mr. <i>Sberman,</i>	ay	}	*
<i>New-York,</i>	Mr. <i>Duane,</i>	ay		
	Mr. <i>L'Hommedieu,</i>	ay	}	ay
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	no		
	Mr. <i>Boudinot,</i>	ay	}	ay
	Mr. <i>Elmer,</i>	ay		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	}	ay
	Mr. <i>Atlee,</i>	ay		
	Mr. <i>Clymer,</i>	ay	}	no
	Mr. <i>T. Smith,</i>	no		
<i>Delaware,</i>	Mr. <i>M'Kean,</i>	ay	}	*
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay		
	Mr. <i>Carroll,</i>	ay	}	ay
<i>Virginia,</i>	Mr. <i>Madison,</i>	ay		
	Mr. <i>Bland,</i>	ay	}	ay
	Mr. <i>Randolph,</i>	no		
<i>North-Carolina,</i>	Mr. <i>Hawkins,</i>	no	}	*
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	no		
	Mr. <i>Bee,</i>	no	}	no
	Mr. <i>Middleton,</i>	no		
	Mr. <i>Motte,</i>	no	}	ay
	Mr. <i>Eveleigh,</i>	ay		

So the motion was lost.

MONDAY, October 8, 1781.

On motion of Mr. Matthews, seconded by Mr. Sherman,

Ordered, That a committee of three be appointed to take order respecting the safe-keeping of the papers in the several offices of the treasury, until the officers elected under the new arrangement shall have qualified and entered on the duties of their office:

The members, Mr. Sherman, Mr. Osgood, Mr. Matthews.

A report from the board of war was read, on the memorial of Nathaniel Mitchel, late a major in one of the 16 battalions, which by the act of October 3, 1780, were reduced on the 1st of Jan. last; and,

On the question, that a warrant issue in his favour for two months pay on account of service performed since the 1st of January, the votes being taken, it passed in the negative.



A letter, from Robert Stark, detained a prisoner in Charlestown, was read ; whereupon,

On motion of Mr. Eveleigh, seconded by Mr. Bland,

*Ordered*, That major-general Greene enquire of the British commanding-officer in South-Carolina, the reasons why Mr. Robert Stark has been excluded from the benefits of exchange, to which every American citizen as well as soldier, prisoner of war, in the southern-district, was entitled by the general cartel agreed on between the two commanders of that district. And if the commanding-officer shall not make any answer to his requisition within a reasonable time, or shall alledge such reason as shall appear to be unfounded or unsatisfactory, that major-general Greene take the necessary measures for retaliation.

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*FRIDAY, October 12, 1781.*

On a report of the board of war :

*Ordered*, That it be recommended to the executive of the state of Massachusetts, to settle with, and pay the officer of the late mustering-department within that state that have not been settled with, by allowing them what their arrears of pay and years advance was worth in specie, at the time they respectively became due, and charge the same to the United States.

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*SATURDAY, October 13, 1781.*

A letter, of this day, from W. C. Houston, was read, declining the office of comptroller ; whereupon,

Congress proceeded to the election of a comptroller ; and, the ballots being taken,

James Milligan was elected, having been previously nominated by Mr. M'Kean.

The report of a committee, consisting of Mr. Osgood, Mr. Sherman, Mr. Matthews, to whom were referred the papers relative to the order on Dr. J. Wither Spoon, which has been protested, was taken into consideration ; and, thereupon,

*Resolved*, That the protested order and papers be referred to the superintendant of finance, with whom Dr. Wither Spoon is to account, for the money due to the United States in his hands, which he received of prisoners that have been exchanged, and pay over the same to the said superintendant, who is to take order for the support and education of the Indian youths at Princeton college, under the care of colonel George Morgan, out of the said monies, or otherwise, as he may think expedient.

That Dr. J. Wither Spoon, upon paying over the said money, be indemnified by the United States, from any demand the said prisoners may have against him on this account, for want of original vouchers, until they may be furnished by the comptroller of accounts, who is directed to liquidate as soon as may be, the charges against the said exchanged prisoners upon principles of equity ; and if it shall appear that the agent of the said prisoners has paid more than is found to be due, the balance shall be immediately refunded to him.

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*MONDAY, October 15, 1781.*

On a report of a committee, consisting of Mr. Duane, Mr. Ran-



dolph, Mr. Matthews, Mr. Boudinot, Mr. Sherman, appointed to confer with the honorable minister plenipotentiary of France :

*Ordered*, That so much of the report of the hon. J. Laurens, of his mission to the court of Versailles, of the late conference between the minister of France and a committee of Congress, and of the several letters of the hon. John Jay, and the hon. John Adams, as relates to the finances of the United States, be referred to the superintendant thereof, to be transmitted to the several states, in such manner as he shall think proper.

The report of a committee on the post-office, was taken into consideration, and on the question, "that from and after the 1st day of December next, all franks be abolished."

The yeas and nays being required by Mr. Varnum,

<i>Massachusetts,</i>	Mr. Lovell,	no	} no
	Mr. Patridge,	ay	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Mowry,	no	} divided.
	Mr. Varnum,	ay	
<i>Connecticut,</i>	Mr. Sherman,	ay	} *
<i>New-Jersey,</i>	Mr. Clark,	ay	
<i>Pennsylvania,</i>	Mr. Boudinot,	no	} no
	Mr. Elmer,	no	
	Mr. Clymer,	no	} divided.
	Mr. T. Smith,	ay	
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	no	} *
<i>Maryland,</i>	Mr. Jenifer,	ay	
<i>Virginia,</i>	Mr. Hanson,	no	} ay
	Mr. Carroll,	ay	
	Mr. J. Jones,	no	} ay
	Mr. Madison,	ay	
<i>South-Carolina,</i>	Mr. Randolph,	ay	} ay
	Mr. Matthews,	no	
	Mr. Bee,	ay	} no
	Mr. Middleton,	no	
<i>Georgia,</i>	Mr. Motte,	no	} no
	Mr. Eveleigh,	no	
	Mr. Telfair,	no	} *

So it passed in the negative.

—\*—

TUESDAY, October 16, 1781.

A letter, of the 5th September, from general Greene, with a report from brigadier-general Marion, of his successful enterprize against the enemy, and,

A letter, of the 11th, from the same, giving an account of the victory gained over the enemy at the Eutaw-Springs, the 8th of the said month, were read.

*Ordered*, That a petition of lieutenant Pepin, together with his accounts, be referred to the comptroller for settlement, in the same manner as ordered for the officers of colonel Hazen's regiment.

On report of the board of war :



*Resolved*, That the reasons inducing Congress to supercede by their order of the 5th August, 1780, captain George Turner from his office of commissary of prisoners, did not proceed from any mal practice or dishonorable procedure of captain Turner in his said office, but from motives not affecting his integrity or capacity.

The delegates of Virginia representing to Congress, that the committee to whom were re-committed the territorial cessions of Virginia, New-York and Connecticut, with a memorial signed J. Wilson, by order of the United Illinois and Wabash companies, and the memorial of William Trent, in behalf of himself and other members of the Indiana company, had given them notice that they should, on Saturday last, confer with the agents of the said companies, on the subject of their several memorials; that the said delegates conceiving that no claim ought to be received from the said companies adverse to the cessions of Virginia, or any other state, because if the lands to which pretensions made by those companies lie within the limits of such state, by its authority alone can the merits of their claims be enforced, because the jurisdiction of Congress in territorial questions, being confined to an adjustment of the confronting claims of different states, if the lands claimed by those companies lie without the limits of Virginia, or any of the other states, Congress are interdicted by the confederation from the cognizance of such claims, and because it derogates from the sovereignty of a state to be drawn into contest by an individual, or company of individuals, and therefore that it was not the intention of Congress to authorize the committee to confer with the said agents in such manner as to receive from them claims adverse to the cessions of any of the states above-mentioned; the said delegates did request the committee to forbear such conference until the sense of Congress on the subject should be known, and proposing that the question should be now taken:

Whether it was the intention of Congress to authorize the committee to receive claims, and hear evidence in behalf of the said companies, adverse to the claims or cessions of Virginia, New-York or Connecticut:

The previous question was moved by the state of Rhode-Island, and seconded by the state of Maryland; and on the question to agree to the previous question,

The yeas and nays being required by Mr. Randolph,

Massachusetts,	Mr. Lovell,	ay	} ay
	Mr. Osgood,	ay	
Rhode-Island,	Mr. Mowry,	ay	} ay
	Mr. Varnum,	ay	
Connecticut,	Mr. Sberman,	ay	} *
New-Jersey,	Mr. Clark,	ay	
	Mr. Boudinot,	ay	} ay
	Mr. Elmer,	ay	
Pennsylvania,	Mr. Atlee,	ay	} ay
	Mr. Clymer,	ay	
Delaware,	Mr. M <sup>c</sup> Kean,	ay	} *
Maryland,	Mr. Jenifer,	ay	
	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	



Virginia,	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Randolph,	no	
North-Carolina,	Mr. Hawkins,	no	} *
South-Carolina,	Mr. Middleton,	no	
Georgia,	Mr. Motte,	ay	} no
	Mr. Eveleigh,	no	
	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So the previous question was lost.

WEDNESDAY, October 17, 1781.

On report of a committee, consisting of Mr. Varnum, Mr. Randolph, Mr. Montgomery, to whom was referred a memorial of colonel Donald Campbell:

*Ordered*, That the accounts of colonel Donald Campbell, be referred to the comptroller to be finally settled according to justice, equity and his best discretion, having regard to such proof as the nature of the case will admit, and as shall appear satisfactory, the resolution of the 21st of June last notwithstanding.

The main question moved yesterday by the delegates of Virginia, was taken into consideration, and a motion was made by Mr. Varnum, seconded by Mr. Patridge, to strike out the words "whether," and in lieu thereof to insert "Resolved, that," and after the word "was," to insert "not," so as to read, Resolved, that it was not the intention, &c. and on the question to agree to the amendment,

The yeas and nays being required by Mr. Randolph,

Massachusetts,	Mr. Lovell,	ay	} ay
	Mr. Patridge,	ay	
	Mr. Osgood,	no	
Rhode-Island,	Mr. Mowry,	no	} divided.
	Mr. Varnum,	ay	
Connecticut,	Mr. Sherman,	ay	} *
New-Jersey,	Mr. Boudinot,	ay	
Pennsylvania,	Mr. Elmer,	ay	} ay
	Mr. Montgomery,	ay	
	Mr. Atlee,	ay	} *
Delaware,	Mr. McKean,	ay	
Maryland,	Mr. Jenifer,	ay	} ay
	Mr. Hanson,	ay	
	Mr. Carroll,	ay	
Virginia,	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Randolph,	no	
South-Carolina,	Mr. Bee,	ay	} divided.
	Mr. Middleton,	no	
Georgia,	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So the amendment was lost.



THURSDAY, October 18, 1781.

On a report from the board of war, on the memorial of Mons. O'Neil, late captain in the army of the United States :

*Resolved*, That Mr. O'Neil, late a captain in Pulaski's legion, be informed that the request contained in his memorial of the 13th inst. cannot be granted.

On report of a committee, consisting of Mr. Montgomery, Mr. Sherman, Mr. Patridge, to whom was referred a letter of the 16th, from the board of war, on the case of Mr. Dedevas :

*Resolved*, That the resolution of the 10th of August, 1776, empowering general Schuyler to enquire into the service and character of Canadian volunteers, and to grant them rewards and wages, be, and hereby is repealed ; and that all persons of what character soever, who now draw pay or rations in consequence of the said resolution, be not entitled to draw pay or rations after the 1st day of December next.

*Ordered*, That Mr. Dedevas settle with the comptroller for money and rations, due to him in consequence of the resolution aforesaid.

On motion of Mr. Montgomery, seconded by Mr. Motte :

*Resolved*, That Dr. Johnson, a hospital-physician and surgeon, be, and he is hereby authorized to do the duty of deputy-purveyor for the military-hospital in the southern-department, until the further order of Congress.

The committee, consisting of Mr. Duane, Mr. Randolph, Mr. Matthews, Mr. Boudinot, Mr. Sherman, appointed to confer with the hon. the minister plenipotentiary of France, having reported the draught of a letter to his most Christian majesty ; the same was taken into consideration and agreed to.

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FRIDAY, October 19, 1781.

The report of the committee on the post-office, was taken into consideration ; whereupon,

*Resolved*, That the price to be paid for the postage of letters, be reduced to what it was at the commencement of the present war.

That the post-master-general be, and hereby is authorized to allow the several post-masters such commission per cent. as he shall think their respective services merit, so as that the said commissions do not in the whole exceed 20 per cent.

That he cause the mail to be carried with all dispatch once a-week :

That from and after the 1st day of December next, all express-riders on constant pay, be dismissed from the public service.

That there be in the department of the post-office, a post-master-general, and an assistant or clerk :

That the salary of the post-master-general be 1250 dollars per annum :

That the salary of the assistant or clerk be 800 dollars per annum :

That this establishment of the post-office take place on the 1st day of December next.

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MONDAY, October 22, 1781.

Mr. Law, a delegate from Connecticut, attended, and took his place.

A letter, of the 11th, from colonel Pickering, quarter-master-general, was read ; whereupon,



*Resolved*, That letters to and from the quarter-master-general be carried free of postage.

A letter, of this day, from J. Milligan, comptroller, was read; whereupon,

*Ordered*, That to-morrow be assigned for electing two auditors.

A letter, of the 20th, from the superintendant of finance, was read, with a copy of a circular letter which he proposes to send to the several states:

*Ordered*, That the said copy be referred to a committee of three, to confer with the superintendant, and that he take order thereon.

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TUESDAY, October 23, 1781.

The secretary laid before Congress a letter from the president in the words following:

S I R,

I must beg you to remind Congress, that when they did me the honor of electing me president, and before I assumed the chair, I informed them, that as chief justice of Pennsylvania, I should be under the necessity of attending the supreme court of that state, the latter end of September, or at farthest in October. That court will be held to day, I must therefore request that they will be pleased to proceed to the choice of another president.

I am, sir,

With much respect,

Your most obedient humble servant,  
THOMAS M'KEAN.

CHARLES THOMSON,  
Secretary of Congress.

Whereupon, *Resolved*, That the resignation of Mr. M'Kean is accepted.

*Ordered*, That the election of a president be postponed, until to-morrow.

Congress proceeded to the election of auditors; and, the ballots being taken, Mr. William Govett was elected, having been previously nominated by Mr. Sherman.

*Ordered*, That the election of the other auditor be postponed.

On motion of Mr. Randolph, seconded by Mr. Sherman,

*Resolved*, That the superintendant of finance be, and hereby is authorized to correspond with the several foreign ministers of the United States, as often as there shall be occasion, upon subjects relating to his department.

---

WEDNESDAY, October 24, 1781.

On motion of Mr. Witherspoon, seconded by Mr. Montgomery,

*Resolved unanimously*, That Mr. M'Kean be requested to resume the chair, and act as president until the 1st Monday in November next; the resolution of yesterday notwithstanding.

A letter, of the 19th, from general Washington, was read, giving information of the reduction of the British army under the command of earl Cornwallis, on the 19th inst. with a copy of the articles of capitulation; whereupon,



On motion of Mr. Randolph,

*Resolved*, That Congress will, at two o'clock this day, go in procession to the Dutch Lutheran church, and return thanks to Almighty God, for crowning the allied arms of the United States and France, with success, by the surrender of the whole British army under the command of the earl Cornwallis.

*Ordered*, That the letter, with the papers enclosed, be referred to the committee of intelligence.

*Resolved*, That the letter of general Washington, of the 19th, enclosing the correspondence between him and the earl Cornwallis, concerning the surrender of the garrisons of York and Gloucester, and the articles of capitulation, be referred to a committee of four :

The members, Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll.

*Resolved*, That it be an instruction to the said committee, to report what in their opinion, will be the most proper mode of communicating the thanks of the United States in Congress assembled, to general Washington, count de Rochambeau and count de Grasse, for their effectual exertions in accomplishing this illustrious work ; and of paying respect to the merit of lieutenant-colonel Tilghman, aid-de-camp of general Washington, and the bearer of his dispatches announcing this happy event :

*Ordered*, That the secretary of foreign affairs communicate this intelligence to the hon. the minister plenipotentiary of France.

THURSDAY, October 25, 1781.

A motion was made by Mr. Middleton, seconded by Mr. Motte, That general Washington be directed to detain earl Cornwallis, and the officers captured in the garrisons of York and Gloucester, until the further order of Congress.

On the question to agree to this, the yeas and nays being required by Mr. Middleton,

Massachusetts,	Mr. Lovell,	no	} no
	Mr. Patridge,	no	
	Mr. Osgood,	no	
Rhode-Island,	Mr. Mowry,	no	} *
Connecticut,	Mr. Sberman,	no	
	Mr. Law,	no	} no
New-Jersey,	Mr. Witherspoon,	no	
	Mr. Clark,	no	
	Mr. Boudinot,	no	} no
Pennsylvania,	Mr. Montgomery,	no	
	Mr. Atlee,	no	
	Mr. Smith,	no	} no
Maryland,	Mr. Hanson,	no	
	Mr. Carroll,	no	
	Mr. Jones,	no	} no
Virginia,	Mr. Madison,	no	
	Mr. Randolph,	no	
North-Carolina,	Mr. Hawkins,	no	} *



<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	ay	} ay
	Mr. <i>Middleton,</i>	ay	
	Mr. <i>Motte,</i>	ay	
	Mr. <i>Eveleigh,</i>	ay	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	no	} divided.
	Mr. <i>N. W. Jones,</i>	ay	

So it passed in the negative.

FRIDAY, October 26, 1781.

The committee, consisting of Mr. Wither Spoon, Mr. Montgomery, Mr. Varnum, Mr. Sherman, appointed to prepare a recommendation for setting apart a-day of public thanksgiving and prayer, reported the draught of a proclamation, which was agreed to as follows :

#### P R O C L A M A T I O N.

Whereas, it hath pleased Almighty God, the father of mercies, remarkably to assist and support the United States of America in their important struggle for liberty, against the long continued efforts of a powerful nation : it is the duty of all ranks to observe and thankfully to acknowledge the interpositions of his providence in their behalf. Through the whole of the contest, from its first rise to this time, the influence of Divine Providence may be clearly perceived in many signal instances, of which we mention but a few.

In revealing the councils of our enemies, when the discoveries were seasonable and important, and the means seemingly inadequate or fortuitous ; in preserving and even improving the union of the several states, on the breach of which our enemies place their greatest dependence ; in encreasing the number, and adding to the zeal and attachment of the friends of liberty ; in granting remarkable deliverances, and blessing us with the most signal successes, when affairs seemed to have the most discouraging appearance ; in raising up for us a powerful and generous ally, in one of the first of the European powers ; in confounding the councils of our enemies, and suffering them to pursue such measures as have most directly contributed to frustrate their own desires and expectations ; above all, in making their extreme cruelty to the inhabitants of these states, when in their power, and their savage devastation of property, the very means of cementing our union, and adding vigour to every effort in opposition to them.

And as we cannot help leading the good people of these states to a retrospect on the events which have taken place since the beginning of the war, so we recommend in a particular manner to their observation, the goodness of God in the year now drawing to a conclusion. In which the confederation of the United States has been completed : in which there have been so many instances of prowess and success in our armies ; particularly in the southern-states, where, notwithstanding the difficulties with which they had to struggle, they have recovered the whole country which the enemy had over-run, leaving them only a post or two on or near the sea : in which we have been so powerfully and effectually assisted by our allies, while in all the conjunct operations the most perfect harmony has subsisted in the allied army : in which there has been so plentiful a harvest, and so great abundance of the fruits of the earth of every kind, as not only enables us easily to supply the wants of our



army, but gives comfort and happiness to the whole people: and in which, after the success of our allies by sea, a general of the first rank, with his whole army, has been captured by the allied forces under the direction of our commander in chief.

It is therefore recommended to the several states to set apart the 13th day of December next, to be religiously observed as a day of thanksgiving and prayer; that all the people may assemble on that day, with grateful hearts, to celebrate the praises of our gracious benefactor; to confess our manifold sins; to offer up our most fervent supplications to the God of all grace, that it may please him to pardon our offences, and incline our hearts for the future to keep all his laws; to comfort and relieve all our brethren who are in distress or captivity; to prosper our husbandmen, and give success to all engaged in lawful commerce; to impart wisdom and integrity to our counsellors, judgment and fortitude to our officers and soldiers; to protect and prosper our illustrious ally, and favour our united exertions for the speedy establishment of a safe, honorable and lasting peace; to bless all seminaries of learning; and cause the knowledge of God to cover the earth, as the waters cover the seas.

A motion was made by the delegates of Virginia:

“That inasmuch as it appears from the journal of the 27th of November, 1775; the 28th of July, the 12th of August, the 12th of September, the 10th and 20th of October, and the 2d of November, 1778; the 22d and 26th January, the 16th and 23d February, the 1st of March, the 15th of April, the 11th and 28th of May, the 1st of June, the 5th and 28th of July, the 27th of September, the 20th and 22d December, 1779; that after orders for referring papers to a committee, or for the re-commitment of a report, it was expressly provided in some of the preceding instances, that the committee should be instructed, in others that they should be directed, and in others that they should be authorized to hear evidence, and reduce to writing such parts thereof as they should think proper, to confer with persons not members of Congress, or to send for persons or papers: and as it appears to be the usage of Congress, in cases of moment or difficulty, or in which it may be their pleasure that committees should have recourse to documents, proofs or evidence, other than those which are to be found among the records or on the files of Congress, to instruct them specially for this purpose; and as the delegates of Virginia, having received notice from the committee to whom was re-committed the report on the cessions of Connecticut, New-York and Virginia, and on the memorials of the Vandavia, Illinois, Ouabache and Indiana companies, that they should confer with the agents thereof, on a day now past, did for the reasons assigned in their motion of the 16th, request the said committee to postpone such conference until the sense of Congress should be taken, how far they were warranted by the terms of their appointment to enter thereon:

“It be declared, that the re-commitment of the said report, does not authorize the said committee to admit counsel, or to hear documents, proofs or evidence not among the records nor on the files of Congress, which have not been specially referred to them.”

On the question to agree to this,



The yeas and nays being required by the delegate of Virginia,

Massachusetts,	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
Rhode-Island,	Mr. Mowry,	no	}	*
	Mr. Sberman,	no		
Connecticut,	Mr. Law,	no	}	no
	Mr. Witherspoon,	no		
New-Jersey,	Mr. Clark,	no	}	no
	Mr. Boudinot,	no		
	Mr. Elmer,	no		
	Mr. Montgomery,	no		
Pennsylvania,	Mr. Clymer,	no	}	no
	Mr. Hanson,	no		
Maryland,	Mr. Carroll,	no	}	no
	Mr. Madison,	ay		
Virginia,	Mr. Randolph,	ay	}	ay
	Mr. Hawkins,	ay		
North-Carolina,	Mr. Middleton,	ay	}	*
	Mr. Motte,	ay		
South-Carolina,	Mr. Eveleigh,	ay	}	ay
	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay		
		ay		

So it passed in the negative.

MONDAY, October 29, 1781.

On motion of Mr. Clymer, seconded by Mr. Osgood :

*Ordered*, That the committee of commerce deliver the books and papers of their department to the comptroller of accounts ; and that thereupon, they be discharged.

On a report of the committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll, to whom were referred the letters of the 16th and 19th, from general Washington :

*Resolved*, That the thanks of the United States in Congress assembled, be presented to his excellency gen. Washington, for the eminent services which he has rendered to the United States, and particularly for the well concerted plan against the British garrisons in York and Gloucester ; for the vigor, attention and military skill with which that plan was executed : and for the wisdom and prudence manifested in the capitulation :

That the thanks of the United States in Congress assembled, be presented to his excellency the count de Rochambeau, for the cordiality, zeal, judgment and fortitude, with which he seconded and advanced the progress of the allied army against the British garrison in York :

That the thanks of the United States in Congress assembled, be presented to his excellency count de Grasse, for his display of skill and bravery in attacking and defeating the British fleet off the Bay of Chesapeake, and for his zeal and alacrity in rendering, with the fleet under his command, the most effectual and distinguished aid and support to the operations of the allied army in Virginia :



That the thanks of the United States in Congress assembled, be presented to the commanding and other officers of the corps of artillery and engineers of the allied army, who sustained extraordinary fatigue and danger in their animated and gallant approaches to the lines of the enemy.

That general Washington be directed to communicate to the other officers and the soldiers under his command, the thanks of the United States in Congress assembled, for their conduct and valor on this occasion :

*Resolved*, That the United States in Congress assembled, will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his most Christian majesty ; and inscribed with a succinct narrative of the surrender of earl Cornwallis, to his excellency general Washington, commander in chief of the combined forces of America and France ; to his excellency the count de Rochambeau, commanding the auxiliary troops of his most Christian majesty in America, and his excellency the count de Grasse, commanding in chief the naval army of France in Chesapeake.

*Resolved*, That two stands of colours taken from the British army under the capitulation of York, be presented to his excellency general Washington, in the name of the United States in Congress assembled.

*Resolved*, That two pieces of the field ordnance, taken from the British army under the capitulation of York, be presented by the commander in chief of the American army, to count de Rochambeau ; and that there be engraved thereon a short memorandum, that Congress were induced to present them from considerations of the illustrious part which he bore in effectuating the surrender.

*Resolved*, That the secretary of foreign affairs be directed to request the minister plenipotentiary of his most Christian majesty, to inform his majesty, that it is the wish of Congress, that count de Grasse may be permitted to accept a testimony of their approbation, similar to that to be presented to count de Rochambeau.

*Resolved*, That the board of war be directed to present to lieutenant-colonel Tilghman, in the name of the United States in Congress assembled, a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability.

On a report of the committee, consisting of Mr. Varnum, Mr. Middleton, Mr. Atlee, to whom were referred the letters from major-general Greene :

*Resolved*, That the thanks of the United States in Congress assembled, be presented to major-general Greene, for his wise, decisive and magnanimous conduct in the action of the 8th of September last, near the Eutaw Springs, in South-Carolina ; in which, with a force inferior in number to that of the enemy, he obtained a most signal victory :

That the thanks of the United States in Congress assembled, be presented to the officers and men of the Maryland and Virginia brigades, and Delaware battalion of continental troops, for the unparalleled bravery and heroism by them displayed, in advancing to the enemy through an incessant fire, and charging them with an impetuosity and ardour that could not be resisted :



That the thanks of the United States in Congress assembled, be presented to the officers and men of the legionary corps and artillery, for their intrepid and gallant exertions during the action.

That the thanks of the United States in Congress assembled, be presented to the brigade of North-Carolina, for their resolution and perseverance in attacking the enemy, and sustaining a superior fire :

That the thanks of the United States in Congress assembled, be presented to the officers and men of the state corps of South-Carolina, for the zeal, activity and firmness by them exhibited throughout the engagement :

That the thanks of the United States in Congress assembled, be presented to the officers and men of the militia, who formed the front line in the order of battle, and sustained their post with honour, propriety and resolution, worthy of men determined to be free.

*Resolved*, That a British standard be presented to major-general Greene, as an honorable testimony of his merit, and a golden medal emblematical of the battle and victory aforesaid :

That major-general Greene be desired to present the thanks of Congress, to captains Pierce and Pendleton, major Hyrne and captain Shubrick, his aid-de-camps, in testimony of their particular activity and good conduct during the whole of the action :

That a sword be presented to captain Pierce, who bore the general's dispatches, giving an account of the victory, and that the board of war take order herein.

*Resolved*, That the thanks of the United States in Congress assembled, be presented to brigadier-general Marion, of the South-Carolina militia, for his wise, gallant and decided conduct, in defending the liberties of his country ; and particularly for his prudent and intrepid attack on a body of the British troops, on the 30th day of August last ; and for the distinguished part he took in the battle of the 8th of Sept.

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TUESDAY, October 30, 1781.

Congress proceeded to the election of a secretary at war ; and, the ballots being taken,

Major-general Benjamin Lincoln was elected.

*Resolved*, That the commissioners of the board of war be authorized and requested, to continue to exercise the duties of the war-department, until the secretary at war enter upon the execution of his office.

On a report of a committee, consisting of Mr. Varnum, Mr. Boudinot, Mr. Hanson, to whom were referred the estimates of the board of war :

*Resolved*, (by nine states,) That the respective states be called upon to furnish the treasury of the United States, with their quotas of the 8,000,000 of dollars, for the war-department, and civil-list, the ensuing year ; to be paid quarterly in equal proportions, the first payment to be made on the first day of April next.

*Resolved*, That a committee, consisting of a member from each state, be appointed to apportion to the several states the quotas of the above sum.

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THURSDAY, November 1, 1781.

On a report of a committee, consisting of Mr. Hanson, Mr. Varnum,



Mr. Clymer, to whom was referred a letter of the 1st September from major-general Greene, with the copy of his letter to colonel Campbell, and his commission to sundry persons to negotiate a treaty of peace with the Cherokee and Chickasaw Indians.

*Resolved*, That the appointment of commissioners by major-general Greene, to negotiate a treaty of peace with the Cherokee and Chickasaw Indians, and by that means to put a stop to the ravages of those nations, was a necessary and prudent measure, and that Congress approve of the same.

FRIDAY, November 2, 1781.

A motion was made by the delegates of Virginia, "that the resolution of yesterday, respecting the appointment of commissioners, to treat with the Cherokee and Chickasaw Indians, be repealed."

*Ordered*, That Thursday next be assigned for the consideration of the preceding motion; and that no copies of the resolution passed yesterday be delivered out before Monday, the 12th instant.

The committee, consisting of Mr. Livermore, Mr. Osgood, Mr. Varnum, Mr. Sherman, Mr. Boudinot, Mr. Smith, Mr. M'Kean, Mr. Hanson, Mr. Randolph, Mr. Hawkins, Mr. Bee and Mr. Telfair, appointed to apportion to the several states their respective quotas of the 8,000,000 of dollars, voted by the resolution of the 30th of October last, delivered in a report, which was taken into consideration, when the quota of Connecticut was under consideration, a motion was made by Mr. Carroll, seconded by Mr. Jenifer,

"That 93,400 dollars be added:"

On which the yeas and nays being required by Mr. Carroll,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	}	*
<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	<i>no</i>		
	Mr. <i>Patridge,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Osgood,</i>	<i>no</i>		
<i>Rhode-Island,</i>	Mr. <i>Mowry,</i>	<i>no</i>	}	<i>divided.</i>
	Mr. <i>Varnum,</i>	<i>ay</i>		
<i>Connecticut,</i>	Mr. <i>Sherman,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Law,</i>	<i>no</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Boudinot,</i>	<i>no</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Atlee,</i>	<i>ay</i>		
	Mr. <i>Smith,</i>	<i>no</i>		
<i>Delaware,</i>	Mr. <i>M'Kean,</i>	<i>no</i>	}	*
<i>Maryland,</i>	Mr. <i>Jenifer,</i>	<i>ay</i>		
	Mr. <i>Hanson,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Carroll,</i>	<i>ay</i>		
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Madison,</i>	<i>no</i>		
	Mr. <i>Randolph,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Matthews,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Middleton,</i>	<i>ay</i>		
	Mr. <i>Motte,</i>	<i>no</i>	}	<i>no</i>
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>no</i>		
	Mr. <i>N. W. Jones,</i>	<i>no</i>	}	<i>no</i>



So it passed in the negative.

The report being farther considered,

*Resolved*, That the sum of 8,000,000 of dollars required to be raised by the resolution of the 30th day of October last, be paid by the states in the following proportions :

New-Hampshire,	373,598
Massachusetts,	1,207,596
Rhode-Island,	216,684
Connecticut,	747,196
New-York,	373,598
New-Jersey,	485,679
Pennsylvania,	1,120,794
Delaware,	112,085
Maryland,	933,996
Virginia,	1,307,594
North-Carolina,	622,677
South-Carolina,	373,598
Georgia,	24,905

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8,000,000 dollars.

That the said sums, when paid, shall be credited to the accounts of the several states on interest, to be hereafter adjusted agreeably to the resolution of the 6th of October, 1779.

That certificates which may be given by the quarter-master-general or other officers properly authorized to give them, for supplies that shall hereafter be furnished, shall be accepted in payment of the afore-said sums.

That such certificates for supplies heretofore furnished, shall be accepted from the states producing them in payment of what may be due on former requisitions.

*Resolved*, That it be recommended to the several states to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to the commissioner of the loan-office, or such other person as shall be appointed by the superintendant of finance, to receive the same within the state, and to authorize such receiver to recover the monies of the collectors for the use of the United States, in the same manner, and under the same penalties as state taxes are recovered by the treasurers of the respective states, to be subject only to the orders of Congress or the superintendant of finance.

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SATURDAY, November 3, 1781.

A petition from the supreme executive council of the commonwealth of Pennsylvania, was read ; stating a matter of dispute between the said state, and the state of Connecticut, respecting fundry lands lying on the east branch of the river Susquehannah, and praying a hearing in the premises, agreeably to the 9th article of the confederation.

*Resolved*, That the resolutions passed yesterday, be delivered to the superintendant of finance, to be by him forwarded to the several states.

*Resolved*, That the several matters now before Congress be referred



over, and recommended to the attention of the United States in Congress assembled, to meet at this place on Monday next.

Advice being received that a messenger was arrived from headquarters with dispatches, the president resumed the chair, and colonel Humphrey, one of the general's aids, was introduced, and delivered a letter from the general, dated the 27th and 29th of October, containing returns of prisoners, artillery, arms, ordnance and other stores, surrendered by the enemy, in their posts of York and Gloucester, on the 19th October; he also laid before Congress 24 standards taken at the same time, and a draft of those posts, with the plan of attack and defence, and then withdrew.

*Ordered*, That the returns be published, and that the letter, with the other papers enclosed, be referred to the committee to whom was referred the general's letter of the 19th of October.

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*MONDAY, November 5, 1781.*

The following members attended from the states of

New-Hampshire,	{ Mr. Livermore,
	{ Mr. Lovell,
Massachusetts,	{ Mr. Patridge,
	{ Mr. Osgood,
Rhode-Island,	{ Mr. Mowry,
	{ Mr. Varnum,
Connecticut,	{ Mr. Law,
	{ Mr. Clark,
New-Jersey,	{ Mr. Boudinot,
	{ Mr. Montgomery,
Pennsylvania,	{ Mr. Atlee,
	{ Mr. T. Smith,
	{ Mr. Hanson,
Maryland,	{ Mr. Jenifer,
	{ Mr. Carroll,
	{ Mr. Madison,
Virginia,	{ Mr. Randolph,
	{ Mr. Jones,
North-Carolina,	{ Mr. Hawkins,
	{ Mr. Middleton,
	{ Mr. Matthews,
South-Carolina,	{ Mr. Bee,
	{ Mr. Eveleigh,
	{ Mr. Motte,
Georgia,	{ Mr. Telfair,
	{ Mr. N. W. Jones.

Their credentials being read :

Congress proceeded to the election of a president; and, the ballots being taken,

The honorable John Hanson was elected.

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*WEDNESDAY, November 7, 1781.*

On report of a committee, consisting of Mr. Carroll, Mr. Jones and Mr. Matthews, to whom were referred a memorial of Daniel Clark, in behalf of Oliver Pollock, and a letter of the 17th September, from



James Seagrove, respecting advances made by Don Galvez, to Oliver Pollock, for the service of the United States.

*Ordered*, That there be passed in the books of the treasury, to the credit of Oliver Pollock, continental agent at New-Orleans, in addition to the credit of the 6th of February last, the sum of 21,419 $\frac{78}{96}$  dollars in specie, to bear an interest of six per cent. per annum, from the 6th of February last, until paid: and that the superintendant of finance be, and hereby is directed not to pay any part of the sums aforesaid to Oliver Pollock or his agents, until advice is received from Don Galvez of the sums by him advanced to the said Oliver Pollock, for the service of the United States, and what measures have been taken by the said Oliver Pollock for reimbursing the said sums.

*Ordered*, That a copy of the foregoing order, and of that of the 6th of February, together with the letter of the 22d July, 1780, from his excellency Don Galvez, and the letter of the 17th of September from J. Seagrove, be transmitted to the superintendant of finance, and that he report the draft of a letter to Don Galvez:

On motion of Mr. Randolph, seconded by Mr. Boudinot:

*Resolved*, That the secretary for foreign affairs be directed to prepare a sketch of emblems of the alliance between his most Christian majesty and the United States, proper to be inscribed on the marble column to be erected in the town of York, under the resolution of the 29th of October last.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Varnum, Mr. Carroll, to whom was referred the letter of 27th October, from general Washington:

*Resolved*, That an elegant sword be presented in the name of the United States in Congress assembled, to col. Humphrey, aid-de-camp of general Washington, to whose care the standards taken under the capitulation of York were consigned, as a testimony of their opinion of his fidelity and ability; and that the board of war take order therein.

*Ordered*, That the farther consideration of the report be postponed.

*Resolved*, That the thanks of Congress be given to the hon. Thomas M'Kean, late president of Congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business.

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THURSDAY, November 8, 1781.

An ordinance respecting captures by water, was taken into consideration, and some progress being made, the farther consideration thereof was postponed.

On a report from the board of war:

*Resolved*, That the board of war take order for the trial, and in case of condemnation, for the execution of any persons falling under the description and character of spies, apprehended in the place where Congress shall sit, in the same manner and with the same powers for this purpose, with those vested in the commander in chief by the rules and articles of war.

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FRIDAY, November 9, 1781.

A letter, of the 8th, from major-general R. Howe, being read:

On motion of Mr. Varnum, seconded by Mr. Telfair:



*Ordered*, That the board of war, without delay, cause such depositions to be taken, to be laid before the court of enquiry, upon the conduct of major-general R. Howe, as the delegates of Georgia and major-general Howe shall request, and that the depositions be transmitted to major-general Heath.

On motion of Mr. Boudinot, seconded by Mr. Varnum :

*Resolved*, That the board of war take order to prevent the officers prisoners of war under the capitulation of York, who have permission to go by land to New-York from travelling at large through the country, and from remaining longer out of the enemies lines, than may be necessary for their journey.

---

MONDAY, November 11, 1781.

On a report from the board of war, to whom was referred a memorial of Mr. Jacob Schreiber :

*Ordered*, That the comptroller cause the accounts of Mr. Jacob Schreiber, to be adjusted upon the same principles with those directed for the officers of Hazen's regiment, allowing him the pay of a captain of engineers from the 2d day of March, 1780 :

That Mr. Schreiber have leave to depart for Europe, as Congress, though conscious of his merit, have no means of employing him in the rank he requires :

That it be referred to the superintendant of finance to pay Mr. Schreiber such sum as will enable him to return to Europe, and that loan-office certificates be delivered him for the residue of the balance which shall, on settlement appear to be due to him from the United States.

On a report of a committee, consisting of Mr. Osgood, Mr. Clark and Mr. Randolph, to whom were referred a letter of 28th August, and one of the 7th inst. from the superintendant of finance :

*Resolved*, That so much of the resolution of the 2d inst. as declares, "that certificates which may be given by the quarter-master-general or other officers, properly authorized to give them for supplies, that shall be hereafter furnished, shall be accepted in payment of the quotas of money thereby assigned to the several states," be, and hereby is repealed.

On motion of Mr. Hawkins, seconded by Mr. Bee,

*Resolved*, That letters to and from the secretary for foreign affairs be carried free of postage.

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TUESDAY, November 13, 1781.

The ordinance, respecting captures, was taken into consideration and debated.

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WEDNESDAY, November 14, 1781.

On motion of Mr. Carroll, seconded by Mr. J. Jones,

*Ordered*, That the president write to the executives of the states, requesting the attendance of delegates from such states as are not represented, and urging the necessity of sending forward and keeping up a representation in Congress for conducting the affairs of the United States.



A motion was made by the delegates of Virginia,

"That the 1st Tuesday in December next, be assigned for the consideration of the report of the committee, to whom were referred the petitions of New-York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies.

A motion was made by Mr. Smith, seconded by Mr. Varnum, to amend, by adding,

"Provided that eleven states shall be then represented."

On the question to agree to the amendment,

The yeas and nays being required by Mr. Varnum,

<i>Massachusetts,</i>	Mr. Lovell,	ay	} ay
	Mr. Patridge,	ay	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Mowry,	no	} divided.
	Mr. Varnum,	ay	
<i>Connecticut,</i>	Mr. Law,	no	} *
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	
	Mr. Atlee,	ay	} ay
	Mr. T. Smith,	ay	
<i>Maryland,</i>	Mr. Hanson,	no	} divided.
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Randolph,	no	
<i>North-Carolina,</i>	Mr. Hawkins,	no	} *
<i>South-Carolina,</i>	Mr. Middleton,	no	
	Mr. Bee,	no	} no
	Mr. Eveleigh,	no	
<i>Georgia,</i>	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So it passed in the negative.

On the question to agree to the main question,

The yeas and nays being required by Mr. Joseph Jones,

<i>Massachusetts,</i>	Mr. Lovell,	no	} no
	Mr. Patridge,	no	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Mowry,	no	} divided.
	Mr. Varnum,	ay	
<i>Connecticut,</i>	Mr. Law,	no	} *
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	
	Mr. Atlee,	ay	} ay
	Mr. T. Smith,	ay	
<i>Maryland,</i>	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. J. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Randolph,	ay	
<i>North-Carolina,</i>	Mr. Hawkins,	no	} *
<i>South-Carolina,</i>	Mr. Middleton,	ay	
	Mr. Eveleigh,	ay	} ay
<i>Georgia,</i>	Mr. Telfair,	ay	
	Mr. N. W. Jones,	ay	} ay



So the question was lost.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot, Mr. Carroll, appointed to prepare the form of notice to be given to the legislative or executive authority of the state of Connecticut, on the petition from the supreme executive council of Pennsylvania, respecting a dispute between the two states :

Congress agreed to the following resolutions :

Whereas the president and supreme executive council of the state of Pennsylvania, have presented a petition to the United States in Congress assembled, stating, "that a controversy has long subsisted between the said state of Pennsylvania and the state of Connecticut, respecting sundry lands lying within the northern boundary of the state of Pennsylvania, and praying for a hearing in pursuance of the 9th article of the confederation.

*Resolved*, That the 4th Monday in June next, be assigned for the appearance of the said states of Pennsylvania and Connecticut, by their lawful agents, at the place in which Congress shall then be sitting.

*Resolved*, That the form of the notice be as follows, to be transmitted by the secretary agreeably to the articles of confederation :

By the United States in Congress assembled, in the city of Philadelphia, on the 14th day of November, in the year of our Lord 1781, and in the 6th year of independence :

To the legislative authority of the state of Connecticut :

It is hereby made known, that pursuant to the 9th article of the confederation, the supreme executive council of the state of Pennsylvania, have presented a petition to Congress, stating that a controversy has long subsisted between the said state of Pennsylvania, and the state of Connecticut, respecting sundry lands lying within the northern boundary of the said state of Pennsylvania, and praying for a hearing in pursuance of the 9th article of the confederation ; and that the 4th Monday in June next, is assigned for the appearance of the said states of Pennsylvania and Connecticut, by their lawful agents, at the place in which Congress shall then sit, to proceed in the premises as by the said confederation is directed.

By order of Congress,

CHARLES THOMSON, *Secretary*.

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THURSDAY, November 15, 1781.

On a report of a committee, consisting of Mr. Carroll, Mr. J. Jones, Mr. N. W. Jones, to whom was referred a letter from the officers returned from Charleston :

*Ordered*, That the said letter be referred to the superintendant of finance, to take order for the discharge of three months subsistence, in addition to the pay ordered by the resolve of Congress of the 29th of September last :

That the comptroller settle the accounts of the officers from Charleston, for the expenses incurred by them on their removal to Philadelphia.

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FRIDAY, November 16, 1781.

Mr. Wolcott, a delegate for Connecticut, attended, and took his seat.



On a report of the board of war to whom was referred a motion of Mr. Varnum :

*Resolved*, That in future no warrant issue in favour of officers or soldiers in actual service, for pay or subsistence, but by the commander in chief, or the commanding-officer of a separate army.

A motion was made by Mr. Middleton, seconded by Mr. Bee,

"That general Washington be directed to extend his attention to the farther relief of the southern-states, and that he either lead thither such part of the main army, as he may think expedient, or if he should judge his presence there unnecessary, that he detach such additional reinforcements to general Greene, with cannon, artillery, and stores requisite, as may enable him to act offensively, and with such vigour as to afford a prospect of conquest in that quarter, or at least of expelling the enemy from thence during the ensuing winter, whilst northern operations are impracticable."

On the question to agree to this,

The yeas and nays being required by Mr. Middleton,

New-Hampshire,	Mr. Livermore,	no	}	*
Massachusetts,	Mr. Lovell,	no		
	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
Rhode-Island,	Mr. Mowry,	no	}	no
	Mr. Varnum,	no		
Connecticut,	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
New-Jersey,	Mr. Clark,	no	}	*
Pennsylvania,	Mr. Montgomery,	no		
	Mr. Atlee,	no	}	no
	Mr. Smith,	no		
Maryland,	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
Virginia,	Mr. Madison,	no	}	no
	Mr. Randolph,	no		
South-Carolina,	Mr. Middleton,	ay	}	ay
	Mr. Bee,	ay		
	Mr. Motte,	ay		
	Mr. Eveleigh,	ay		
Georgia,	Mr. Telfair,	ay	}	ay
	Mr. N. W. Jones,	ay		

So it passed in the negative.

A motion was made by Mr. Varnum, seconded by Mr. Patridge,

"That it be resolved, that the resolution of the 25th of May last, establishing a general rule of promotion, precludes the United States in Congress assembled, from promoting any officer, on account of extraordinary merit or eminent services, contrary to the rule of succession therein mentioned."

And on the question to agree to this,

The yeas and nays being required by Mr. Varnum,

New-Hampshire,	Mr. Livermore,	no	}	*
Massachusetts,	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
Rhode-Island,	Mr. Mowry,	ay		
	Mr. Varnum,	no	}	divided.



<i>Connecticut,</i> <i>New-Jersey,</i> <i>Pennsylvania,</i>	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
	Mr. Clark,	ay	}	*
	Mr. Montgomery,	no		
<i>Maryland,</i> <i>Virginia,</i>	Mr. Atlee,	no	}	no
	Mr. Smith,	no		
	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>South-Carolina,</i> <i>Georgia,</i>	Mr. J. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Randolph,	no	}	no
	Mr. Middleton,	no		
	Mr. Bee,	ay	}	no
	Mr. Motte,	no		
	Mr. Telfair,	no	}	divided.
	Mr. N. W. Jones,	ay		

So it passed in the negative.

The report of a committee, consisting of Mr. Varnum, Mr. Montgomery and Mr. Lovell, to whom was referred a letter of the 31st of October last, from general Washington, with letters from brigadier-general du Portail, was taken into consideration, and on the first proposition, "that in consideration of the eminent services of brigadier-general Knox, commanding-officer of the artillery of the United States; and particularly of his meritorious conduct in the siege of York, in the state of Virginia; he be promoted to the rank of major-general:"

The previous question was moved by the states of South-Carolina and Georgia;

And the yeas and nays being required thereon,

<i>New-Hampshire,</i> <i>Massachusetts,</i>	Mr. Livermore,	no	}	*
	Mr. Lovell,	no		
	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
<i>Rhode-Island,</i> <i>Connecticut,</i>	Mr. Mowry,	no	}	no
	Mr. Varnum,	no		
	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
<i>Pennsylvania,</i> <i>Maryland,</i>	Mr. Montgomery,	no	}	no
	Mr. Atlee,	ay		
	Mr. Smith,	no	}	no
	Mr. Hanson,	no		
<i>Virginia,</i> <i>South-Carolina,</i>	Mr. Carroll,	no	}	no
	Mr. Jones,	no		
	Mr. Madison,	no	}	no
	Mr. Randolph,	no		
<i>Georgia,</i>	Mr. Middleton,	ay	}	ay
	Mr. Bee,	ay		
	Mr. Motte,	ay	}	ay
	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay		ay



So it passed in the negative.

On the question to agree to the main question,

The yeas and nays being required by Mr. Lovell,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Lovell,	ay		
	Mr. Patridge,	ay	}	ay
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Mowry,	no	}	divided.
	Mr. Varnum,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Atlee,	no		
	Mr. Smith,	ay	}	ay
<i>Maryland,</i>	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
<i>Virginia,</i>	Mr. J. Jones,	ay		
	Mr. Madison,	ay	}	ay
	Mr. Randolph,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	no
	Mr. Bee,	no		
	Mr. Motte,	no	}	no
<i>Georgia,</i>	Mr. Telfair,	no		
	Mr. N. W. Jones,	no	}	no

So the question was lost.

On a farther consideration of the report :

*Resolved,* That brigadier-general du Portail, commanding-officer of the corps of engineers, in consideration of his meritorious services, and particularly of his distinguished conduct in the siege of York, in the state of Virginia, be, and he is hereby promoted to the rank of major-general.

*Resolved,* That lieutenant-colonel Gouvion, of the corps of engineers, receive the brevet of colonel.

*Resolved,* That captain Rochefontaine, of the corps of engineers, receive the brevet of major.

*Resolved,* That major-general du Portail and colonel Gouvion have leave of absence from the United States for the space of six months.

On motion of Mr. Varnum, seconded by Mr. Bee.

*Resolved,* That the board of war arrange the officers of the South-Carolina and Georgia lines, agreeably to the establishment of the army, adopted on the 3d day of October, 1780, and in such manner as the lines of other states have been arranged.

MONDAY, November 19, 1781.

Mr. Ellery and Mr. Cornell, two delegates for Rhode-Island, &c. attended, and took their seats.

On motion of Mr. Randolph, seconded by Mr. Smith,

*Resolved,* That Richard Peters, Esq; be authorized and requested to continue to exercise the duties of the war-department, until the secretary at war shall enter upon the execution of his office.



THURSDAY, November 20, 1781.

On a report of the board of war, on an application of lieutenant Jenkins :

*Resolved*, That the two independent companies raised by captains Durkee and Ransom, be considered as part of the quota of troops of the state of Connecticut, in whose regiments they are incorporated ; provided the said state settle with them for the depreciation on their pay ; and that it be recommended to the said state of Connecticut, to settle the depreciation of their pay upon the same principles adopted by them for the officers and soldiers of their line.

On a report of a committee, consisting of Mr. Cornell, Mr. Randolph and Mr. Carroll, to whom was referred a letter of the 17th of November last, from the superintendant of finance :

*Resolved*, That the powers vested by the resolutions of the 8th of February, 1780, in the board of admiralty and navy-board respectively, in case of the loss of any ship or vessel of war in the service of the United States, be vested in the secretary of marine ; or until he be appointed and enter upon the execution of his office, in the agent of marine ; except that neither the secretary nor agent of marine shall be authorized to sit in any court of enquiry.

*Resolved*, That it shall be the duty of the secretary or agent of marine, to transmit to the United States in Congress assembled, the proceedings of courts-martial previous to the execution of any capital sentence which may be awarded.

*Resolved*, That the powers and duties hereby assigned to the secretary or agent of marine, be assigned to the superintendant of finance, to be exercised by him until such secretary or agent of marine shall be appointed.

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WEDNESDAY, November 21, 1781.

On a report of a committee, consisting of Mr. Montgomery, Mr. Osgood and Mr. Randolph, to report on the arrangement of the president's household,

*Resolved*, That the attendants of the president's house, consist of one steward, and such others as may be found necessary ; and that they be appointed and removed at pleasure, by the president of Congress :

That all sums of money necessary for the expenses of the house, be drawn by the president, and paid to the steward.

That the steward keep a regular account of all receipts and disbursements, and of furniture, and utensils broken, lost or purchased, and deliver to the secretary of the president on the first day of every month, a fair copy thereof.

On a report of the board of war, to whom was referred a letter of the 19th, from major-general du Portail, requesting the brevet of captain for Mr. de Castaing, his aid :

*Resolved*, That the request respecting the promotion of lieutenant de Castaing, cannot be complied with.

A motion was made by Mr. Randolph, seconded by Mr. Carroll, "that it be recommended to the legislatures of the several states, to cause to be taken and transmitted to Congress as soon as possible, the



number of the white inhabitants thereof, pursuant to the 9th article of the confederation."

On the question to agree to this,

The yeas and nays being required by Mr. Randolph,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	ay	}	*
<i>Massachusetts,</i>	Mr. <i>Lovell,</i>	ay		
	Mr. <i>Patridge,</i>	ay	}	ay
	Mr. <i>Osgood,</i>	ay		
<i>Rhode-Island,</i>	Mr. <i>Cornell,</i>	ay	}	divided.
	Mr. <i>Ellery,</i>	no		
<i>Connecticut,</i>	Mr. <i>Law,</i>	ay	}	divided.
	Mr. <i>Wolcott,</i>	no		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	ay	}	*
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay		
	Mr. <i>Smith,</i>	ay	}	ay
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay		
	Mr. <i>Carroll,</i>	ay	}	ay
<i>Virginia,</i>	Mr. <i>Jones,</i>	ay		
	Mr. <i>Madison,</i>	ay	}	ay
	Mr. <i>Randolph,</i>	ay		
<i>North-Carolina,</i>	Mr. <i>Hawkins,</i>	ay	}	*
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	ay		
	Mr. <i>Bee,</i>	ay	}	ay
	Mr. <i>Motte,</i>	ay		
	Mr. <i>Eveleigh,</i>	ay	}	ay
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay		
	Mr. <i>N. W. Jones,</i>	ay	}	ay

So the question was lost.

THURSDAY, November 22, 1781.

The delegates for the state of Pennsylvania, being re-appointed by the general assembly, Mr. J. Montgomery, Mr. T. Smith and Mr. Atlee, three of the said delegates, attended, and produced the credentials.

Congress proceeded to the farther consideration of the report of the committee, on the letter of the 27th of October, from general Washington; and, thereupon,

*Resolved,* That Congress approve of the early and unremitted attention of general Washington, to the liberation of the southern-states from the power of the enemy, and of his communication of the success of the allied arms, to the foreign ministers of the United States.

On motion of Mr. Montgomery, seconded by Mr. Smith,

*Resolved,* That the establishment of the post-office as agreed to, on the 19th of October last, take place on the 1st day of January next, and that the resolution directing its commencement on the 1st day of December next, be, and hereby is repealed.

On a report of a committee, consisting of Mr. Jenifer, Mr. Sharpe and Mr. Clymer, to whom was referred a memorial of major Nicola,

*Resolved,* That major Nicola's accounts be settled up to the 25th day of August, 1781, at which time he be considered as retiring from service.



FRIDAY, November 23, 1781.

Mr. Floyd, a delegate for the state of New-York, attended, and produced the credentials of his appointment.

On reading a memorial and representation of the legislature of the state of New-Jersey :

*Ordered*, That the said memorial be referred to the superintendant of finance ; and that he report, as soon as may be, as well on the said memorial as on a reference to him made on the same subject, of a plan for liquidating certificates given by quarter-masters, commissaries and others.

On a report of the board of war :

*Resolved*, That the superintendant of finance, and board of war be, and hereby are authorized and directed to take immediate order for the safe-keeping and support of the prisoners of war in the possession of the United States, so as to ensure their safety as much as may be, and to render their support less burthensome to the finances of these states.

On a report of a committee, consisting of Mr. Carroll, Mr. Madison and Mr. Cornell, to whom was referred a letter of the 22d, from major-general the marquis de la Fayette :

*Resolved*, That major-general the marquis de la Fayette have permission to go to France ; and that he return at such time as shall be most convenient to him.

That he be informed, that on a review of his conduct throughout the past campaign, and particularly during the period in which he had the chief command in Virginia, the many new proofs which present themselves of his zealous attachment to the cause he has espoused, and of his judgment, vigilance, gallantry and address in its defence, have greatly added to the high opinion entertained by Congress of his merits and military talents :

That he make known to the officers and troops whom he commanded during that period, that the brave and enterprising services with which they seconded his zeal and efforts, and which enabled him to defeat the attempts of an enemy far superior in numbers, have been beheld by Congress with particular satisfaction and approbation :

That the secretary of foreign affairs acquaint the ministers plenipotentiary of the United States, that it is the desire of Congress that they confer with the marquis de la Fayette, and avail themselves of his information relative to the situation of public affairs in the United States :

That the secretary for foreign affairs, further acquaint the minister plenipotentiary at the court of Versailles, that he will conform to the intention of Congress by consulting with and employing the assistance of the marquis de la Fayette, in accelerating the supplies which may be afforded by his most Christian majesty for the use of the United States :

That the superintendant of finance, the secretary for foreign affairs, and the board of war, make such communications to the marquis de la Fayette, touching the affairs of their respective departments, as will best enable him to fulfil the purpose of the two resolutions immediately preceding :

That the superintendant of finance take order for discharging the



engagement entered into by the marquis de la Fayette, with the merchants of Baltimore, referred to in the act of the 24th of May last.

*Ordered,* That the superintendant of finance furnish the marquis de la Fayette, with a proper conveyance to France :

That the secretary for foreign affairs report a letter to his most Christian majesty, to be sent by the marquis de la Fayette.

On a report of a committee, consisting of Mr. Randolph, Mr. Duane, Mr. Witherpoon, appointed to prepare a recommendation to the states to enact laws for punishing infractions of the laws of nations :

*Resolved,* That it be recommended to the legislatures of the several states to provide expeditious, exemplary and adequate punishment :

First. For the violation of safe conducts or passports expressly granted under the authority of Congress to the subjects of a foreign power in time of war.

Secondly. For the commission of acts of hostility against such as are in amity, league or truce with the United States, or who are within the same, under a general implied safe conduct.

Thirdly. For the infractions of the immunities of ambassadors and other public ministers, authorized and received as such by the United States in Congress assembled, by animadverting on violence offered to their persons, houses, carriages and property under the limitations allowed by the usages of nations ; and on disturbance given to the free exercise of their religion ; by annulling all writs and processes, at any time sued forth against an ambassador or other public minister, or against their goods and chattels, or against their domestic servants, whereby his person may be arrested. And,

Fourthly. For infractions of treaties and conventions to which the United States are a party.

The preceding being only those offences against the law of nations, which are most obvious, and public faith and safety requiring that punishment should be co-extensive with such crimes :

*Resolved,* That it be farther recommended to the several states to erect a tribunal in each state, or to vest one already existing, with power to decide on offences against the law of nations, not contained in the foregoing enumeration, under convenient restrictions.

*Resolved,* That it be farther recommended to authorize suits to be instituted for damages by the party injured, and for compensation to the United States for damage sustained by them from an injury done to a foreign power by a citizen.

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*MONDAY, November 26, 1781.*

A letter, of this day, from major-general B. Lincoln, was read, accepting the office of secretary at war.

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*TUESDAY, November 27, 1781.*

On reading a letter from the secretary of foreign affairs ;

*Resolved,* That the superintendant of finance be, and hereby is authorized and directed to take under his care and management all loans or other monies obtained in Europe or elsewhere for the use of the United States, subject to the appropriation of Congress.



Congress being informed of the arrival of general Washington in this city :

*Ordered*, That he have an audience in Congress to-morrow at one o'clock.

\*  
WEDNESDAY, November 28, 1781.

Mr. Wynkoop, a delegate for Pennsylvania, and Mr. Houston, a delegate for New-Jersey, attended.

On a report of the board of war, to whom was referred a memorial of captain de Frey :

*Resolved*, That the resignation of captain de Frey be accepted, Congress having no means of employing him in the army of the United States, consistent with the arrangement thereof, though a meritorious officer :

That it be referred to the superintendant of finance to pay captain de Frey, in cash or in bills of exchange, such sum as will enable him to return to France, in part of the balance which shall appear to be due to him on settlement of his accounts.

On a report of a committee, consisting of Mr. Sherman, Mr. Randolph and Mr. Boudinot, to whom was referred a letter of October the 13th, from captain John Barry :

*Ordered*, That the superintendant of finance take measures for obtaining a copy of the proceedings of the court-martial at Boston, in the case of three men belonging to the frigate Alliance.

According to order, general Washington attended, and being introduced by two members, the president addressed him as follows :

SIR,

Congress at all times happy in seeing your excellency, feel particular pleasure in your presence at this time, after the glorious success of the allied arms in Virginia. It is their fixed purpose to draw every advantage from it by exhorting the states in the strongest terms, to the most vigorous and timely exertions. A committee has accordingly been appointed to state the requisitions necessary to be made for the establishment of the army, and they are instructed to confer with you upon that subject. It is therefore the expectation of Congress that your excellency would remain for some time in Philadelphia, that they may avail themselves of your aid in this important business, and that you may enjoy a respite from the fatigues of war, as far as is consistent with the service.

To which his excellency made the following reply :

MR. PRESIDENT,

I feel very sensibly the favourable declaration of Congress expressed by your excellency. This fresh proof of their approbation cannot fail of making a deep impression upon me, and my study shall be to deserve a continuance of it. It is with peculiar pleasure I hear that it is the fixed purpose of Congress to exhort the states to the most vigorous and timely exertions ; a compliance on their parts will, I persuade myself, be productive of the most happy consequences.

I shall yield a ready obedience to the expectation of Congress, and give every assistance in my power to their committee. I am obliged by the goodness of Congress in making my personal ease and convenience



a part of their concern. Should the service require my attendance with the army upon the North-river or elsewhere, I shall repair to whatever place my duty calls, with the same pleasure that I remain in this city.

On motion of the delegates of South-Carolina :

*Resolved*, That the secretary at war take order for furnishing a waggon, with four horses and a driver, for the purpose of transporting to the southern-army, a printing press and necessary apparatus, procured by the state of South-Carolina.

THURSDAY, November 29, 1781.

A draft of a letter to his most Christian majesty, being reported, and sundry amendments being made, was passed.

FRIDAY, November 30, 1781.

The ordinance respecting captures was taken into consideration, and it being moved by Mr. Randolph, seconded by Mr. Carroll, to insert,

“ Provided nevertheless, that all goods, wares and merchandizes, of the growth, produce or manufacture of Great-Britain, or of any country or territory depending thereon, and found within ten leagues of the coast of the United States, shall be liable to capture and condemnation, unless the same shall have been previously captured.

A motion was made by Mr. Ellery, seconded by Mr. Patridge, to amend by inserting after the word “ found,” “ on board any ship or vessel belonging to the subjects of any prince, state or potentate not in alliance with these states.”

On the question to agree to this amendment,

The yeas and nays being required by Mr. Ellery,

New-Hampshire,	Mr. Livermore,	no	} *
Massachusetts,	Mr. Patridge,	ay	
	Mr. Osgood,	no	} divided.
Rhode-Island,	Mr. Cornell,	no	
	Mr. Ellery,	ay	} divided.
Connecticut,	Mr. Law,	ay	
	Mr. Wolcott,	no	} divided.
New-York,	Mr. Floyd,	no	
New-Jersey,	Mr. Clark,	ay	} divided.
	Mr. Houston,	no	
Pennsylvania,	Mr. Atlee,	no	} no
	Mr. Wynkoop,	no	
Maryland,	Mr. Hanson,	no	} no
	Mr. Carroll,	no	
Virginia,	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Randolph,	no	} no
North-Carolina,	Mr. Hawkins,	no	
South-Carolina,	Mr. Middleton,	no	} no
	Mr. Bee,	no	
	Mr. Motte,	no	} no
	Mr. Eveleigh,	no	
Georgia,	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So the amendment was lost.



On the question to agree to the main question,  
The yeas and nays being required by Mr. Ellery,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	ay	}	divided.
<i>Connecticut,</i>	Mr. Law,	no		
	Mr. Wolcott,	no	}	no
<i>New-York,</i>	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	divided.
	Mr. Houston,	no		
<i>Pennsylvania,</i>	Mr. Atlee,	ay	}	ay
	Mr. Wynkoop,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Randolph,	ay	}	*
<i>North-Carolina,</i>	Mr. Hawkins,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	ay	}	ay
	Mr. Bee,	ay		
	Mr. Motte,	ay	}	ay
	Mr. Eveleigh,	ay		
<i>Georgia,</i>	Mr. Telfair,	ay	}	ay
	Mr. N. W. Jones,	ay		

So the question was lost.

MONDAY, December 3, 1781.

Mr. Clymer, a delegate for Pennsylvania, attended, and took his seat.

Mr. Condict, a delegate for the state of New-Jersey, attended, and took his seat.

On report of a committee, consisting of Mr. Floyd, Mr. Clark and Mr. Law,

*Resolved,* That Joseph Fry be appointed door-keeper to Congress, and receive the same pay as allowed to the late door-keeper, his pay to commence from the 17th of October last.

On a report of a committee, consisting of Mr. Bee, Mr. Ellery and Mr. J. Jones, to whom was referred a letter of the 29th of November, from the superintendant of finance :

*Resolved,* That the superintendant of the finances of the United States be, and hereby is authorized and directed, to apply and dispose of all monies which have been or may be obtained in Europe by subsidy, loan or otherwise, according to the several resolutions and acts of Congress now existing, or which may hereafter be made for the appropriation of monies belonging to the United States.

On a report from the war-office :

*Resolved,* That the secretary at war take order for supplying the state of North-Carolina, with the arms and other articles contained in a report from the war-office of this date, and charge the same to the



saïd state ; provided the order from the board of war of the 5th of November last be not executed.

*TUESDAY, December 4, 1781.*

Mr. Hanson and Mr. D. Carroll, having been re-elected delegates to represent the state of Maryland, produced the credentials of their appointment, together with Mr. S. Chase and Mr. Turbutt Wright. The ordinance respecting captures, being taken into consideration, and on a question to insert the following clause :

“ Provided nevertheless, that from and after the 1st day of March, in the year 1782, all goods, wares and merchandizes, of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, if found within three leagues of the coasts, and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture, may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.

The yeas and nays being required by Mr. Patridge,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	} <i>no</i>	* no
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>no</i>		
	Mr. <i>Osgood,</i>	<i>no</i>		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Cornell,</i>	<i>ay</i>		
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Wolcott,</i>	<i>ay</i>		
<i>New-York,</i>	Mr. <i>Floyd,</i>	<i>ay</i>	} *	*
<i>New-Jersey,</i>	Mr. <i>Houston,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Clymer,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Wynkoop,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Carroll,</i>	<i>ay</i>		
<i>Virginia,</i>	Mr. <i>Jones,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Madison,</i>	<i>ay</i>		
	Mr. <i>Randolph,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>ay</i>	} <i>ay</i>	
	Mr. <i>Matthews,</i>	<i>ay</i>		
	Mr. <i>Bee,</i>	<i>ay</i>		
	Mr. <i>Motte,</i>	<i>ay</i>		
	Mr. <i>Eveleigh,</i>	<i>ay</i>	} <i>ay</i>	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>		
	Mr. <i>N. W. Jones,</i>	<i>ay</i>		

So it was resolved in the affirmative.

The ordinance being read a third time, was passed as follows :

*An ordinance, ascertaining what captures on water shall be lawful.*

In pursuance of the powers delegated by the confederatioa in cases of capture on water :

Be it ordained by the United States in Congress assembled, that from and after the first day of February next, all resolutions and ordi.



nances of Congress relating to captures or re-captures on water, and coming within the purview of this ordinance, except as is herein after excepted, shall be null and void : but questions of this nature arising before, or which shall be undetermined at that day, shall be determined at any time during the war with Great-Britain, according to them, in the same manner as if this ordinance had never been made.

It shall be lawful to capture and to obtain condemnation of the property herein after enumerated, if found below high-water mark ; that is to say,

All ships and other vessels of whatsoever size or denomination belonging to an enemy of the United States, with their rigging, tackle, apparel and furniture.

All goods, wares and merchandizes belonging to an enemy, and found on board of a ship or other vessel of such enemy.

All contraband goods, wares and merchandizes to whatever nation belonging, although found in a neutral bottom, if destined for the use of an enemy : but the goods, wares and merchandizes belonging to an enemy, contraband goods, and goods destined to a blockaded, invested or besieged port, being always excepted, found in a vessel belonging to a foreign nation, other than an enemy, shall in no case be subject to condemnation.

Provided nevertheless, that from and after the first day of March, in the year 1782, all goods, wares and merchandizes of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, if found within three leagues of the coasts and destined to any port or place of the United States, in any ship or vessel belonging to the citizens of the said states, or the subjects of any neutral power, shall be liable to capture and condemnation, unless the same shall have been previously captured from the enemy and condemned, or in consequence of capture, may be proceeding to some port or place not in the power of the said enemy, for trial and condemnation.

All ships or other vessels, goods, wares and merchandizes belonging to any power or the subjects of any power against which letters of marque or reprisal shall have issued.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes, to whatsoever nation belonging, destined to any port or place invested, besieged or blockaded, by a sufficient force belonging to, in the service of, or co-operating with the United States, so effectually as that one cannot attempt to enter into such port or place without evident danger.

All ships or other vessels, with their rigging, tackle, apparel and furniture, and with their cargoes, found in the possession of pirates.

The goods, wares and merchandizes to be adjudged contraband, are the following, that is to say,

Cannons, mortars, fire-arms, pistols, bombs, granadoes, bullets, balls, fuses, flints, matches, powder, salt-petre, sulphur, carcases, pikes, swords, belts, pouches, cartouch-boxes, saddles and bridles, in any quantity beyond what may be necessary for the ship's provision, and may properly appertain to, and be adjudged necessary for every man of the ships-crew or for each passenger.

If it shall manifestly appear, that of any entire thing of which divi-



sion cannot be made without injury to its value, a subject of the enemy, and a citizen or a subject of a foreign power, not being an enemy, are joint holders, the whole shall be condemned and sold for gold or silver, the proper proportion of the net proceeds of which shall be deposited in the treasury of the state in which the sale shall be, to be paid to the order of such citizen, or the subject to such foreign power.

If such division can be accomplished, but neither the citizen, nor the subject of a foreign power, nor his agent, shall require specific restitution of his property, there shall be a sale in the same manner as if the property were indivisible. But if in such case a requisition be made to this effect, the due proportion shall be specifically restored.

Where property shall have been originally captured on land from a state, or a citizen of the United States, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding  $\frac{1}{4}$ th part of the value: no regard being had to the time of possession by the enemy.

In all cases of re-capture by an armed vessel, fitted out at the expense of the United States, of a vessel or other effects belonging to a citizen, the court shall adjudge the proportion which would be due to the United States to be remitted to such citizen, no regard being had to the time of possession by the enemy.

On the re-capture by a citizen of any Negro, Mulatto, Indian or other person, from whom labour or service is lawfully claimed by a state or a citizen of a state, specific restitution shall be adjudged to the claimant, whether the original capture shall have been made on land or water, and without regard to the time of possession by the enemy, a reasonable salvage being paid by the claimant to the re-captor, not exceeding  $\frac{1}{4}$ th of the value of such labour or service, to be estimated according to the laws of the state under which the claim shall be made.

But if the service of such Negro, Mulatto, Indian, or other person captured below high-water mark, shall not be legally claimed within a year and a day from the sentence of the court, he shall be set at liberty.

In all other cases of re-capture, restitution shall be made to the owner upon payment of  $\frac{1}{3}$ d part of the true value for salvage, if the property shall have been re-taken in less than 24 hours after the capture. But if it shall not have been re-taken until the expiration of 24 hours after the capture, restitution shall not be made of any part.

Besides those who are duly authorized to make captures by special commission, captures of the property of an enemy shall be adjudged lawful when made:

1st. By a private vessel not having such commission, satisfactory proof being produced that they were made in pursuing the course of her voyage, and repelling a previous attack from an enemy.

2d. By any body or detachment of regular soldiers.

3d. By inhabitants of the country, if made within cannon-shot of the shore.

4th. By an armed vessel sailing under a commission of his most Christian majesty.

5th. By the crews of British vessels, while captures of this sort are licenced by the British.



Re-captures shall be made by no other persons than those authorized to make captures, except the crews of vessels re-taken.

The destruction of papers, or the possession of double papers by any captured vessel, shall be considered as evidence for condemnation, unless good cause be shewn to the contrary.

From and after the 1st day of February, which shall be in the year of our Lord, 1782, any letters of passport or safe conduct, granted before the 27th of March last, under the authority of Congress, to any person whatsoever, for removal of property from a place beyond sea within the dominions or possessions of the British king, shall be void.

Upon the capture of a vessel commissioned as a man of war or privateer, by any of the vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors, to be divided in the following manner, (saving to all persons who shall lose a limb in any engagement, or shall be otherwise disabled in the service of the United States, every benefit accruing to them under the resolutions of Congress of the 28th day of November, 1775) that is to say,

To the commander in chief of the navy of the United States, shall be allotted  $\frac{1}{20}$ th part of all prizes taken by an armed vessel or vessels under his orders and command: when there shall be no such commander in chief, the  $\frac{1}{20}$ th part allotted to him shall be paid into the treasury of the United States.

To the captain of any single armed vessel,  $\frac{2}{20}$  parts, but if more ships or vessels be in company when a prize is taken, then the  $\frac{2}{20}$ th parts shall be divided equally among all the captains.

To the captains of marines, lieutenants and masters,  $\frac{3}{20}$ th parts of all prizes taken when they are in company, to be divided equally among them.

To the lieutenants of marines, surgeons, chaplains, purfers, boat-swains, gunners, carpenters, masters-mates, and the secretary of the fleet,  $\frac{2}{20}$ th parts, and  $\frac{1}{2}$  of  $\frac{1}{20}$ th part, to be divided equally among them.

The following petty warrant-officers, viz. midshipmen, (allowed for each ship six, for each brig four, and for each sloop two) captains clerks, surgeons-mates, stewards, sail-makers, coopers, armourers, (allowing for each vessel one of each only) boatswains-mates, gunners-mates, carpenters-mates, (allowing for each vessel two of each) cooks, cockswains, (allowing for each vessel one of each) serjeants of marines, (allowing two for each ship and one for each brig and sloop)  $\frac{3}{20}$ th parts to be divided equally among them: and when a prize is taken by any vessel, on board or in company of which the commander in chief is, then the commander in chief's cook or cockswain shall be added to the petty warrant-officers, and share equally with them.

The remaining  $\frac{8}{20}$ th parts, and half of the  $\frac{1}{20}$ th part shall be divided among the rest of the vessels company or companies, as it may happen, share and share alike.

No officer nor man shall have any share, but such as are actually on board their several vessels when any prize or prizes shall be taken, excepting only such as may have been ordered on board any other prizes, before taken or sent away by his or their commanding-officers.

Upon the capture of any other vessel, if made by a vessel of war be-



longing to the United States, one-half of the property condemned shall be decreed to the United States, and the other half to the captors, to be divided as aforesaid; if by a private vessel not having a commission, the whole shall be decreed to the captors: if by any body or detachment of regular or other troops in the service of the United States, the whole shall be adjudged to the captors, to be divided in proportion to the pay in the line of the army: if by inhabitants of the country, being in arms, the whole shall be adjudged to the captors, to be divided equally among them: provided, that if any such inhabitant shall be wounded in making the capture, he shall be entitled to two shares, and if killed, his legal representatives shall be entitled to four shares; if by the crews of British vessels, the whole shall be adjudged to the captors, to be divided at the discretion of the court.

On re-capture by an armed vessel belonging to the United States, of a vessel under the protection of a vessel belonging to the enemy, commissioned as a man of war or privateer, or where the vessel re-taken is equipped in a war-like manner, the proportion to be withdrawn from the original owner, shall be divided as in the case of a capture of an enemy's vessel commissioned as a man of war or privateer.

On re-capture, by an armed vessel belonging to the United States, of a vessel under the protection of an hostile vessel not commissioned as a man of war or privateer; and where the vessel re-taken is not equipped in a war-like manner, the proportion to be withdrawn from the original owner shall be divided, as in the case of an hostile vessel not commissioned as a man of war or privateer.

The rules of decision in the several courts shall be the resolutions and ordinances of the United States in Congress assembled, public treaties when declared to be so by an act of Congress and the law of nations, according to the general usages of Europe. Public treaties shall have the pre-eminence in all trials.

This ordinance shall commence in force on the 1st day of February, which will be in the year of our Lord 1782.

Done by the United States, in Congress assembled, &c. &c.

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*WEDNESDAY, December 5, 1781.*

A letter, of the 24th of November last, from the governor of the state of New-York, was read, together with concurrent resolutions of the senate and assembly of the said state, declarative of their sense on the acts of Congress of the 7th and 20th of August last, respecting the people residing on the New-Hampshire Grants, on the west side of Connecticut river:

*Ordered,* That the concurrent resolutions be filed in the secretary's office among the archives of Congress.

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*THURSDAY, December 6, 1781.*

A motion was made by Mr. Floyd, seconded by Mr. Middleton, to add as a farther description of the concurrent resolutions of the senate and assembly of the state of New-York, which were read yesterday, the following words, to wit:

“And protesting against any attempt made by Congress to carry into execution their said acts of the 7th and 20th of August last.”



And the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	}	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>ay</i>		
	Mr. <i>Osgood,</i>	<i>no</i>	}	<i>divided.</i>
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>no</i>		
	Mr. <i>Cornell,</i>	<i>no</i>	}	<i>no</i>
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>ay</i>		
	Mr. <i>Wolcott,</i>	<i>no</i>	}	<i>divided.</i>
<i>New-York,</i>	Mr. <i>Floyd,</i>	<i>ay</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>ay</i>	}	*
	Mr. <i>Condict,</i>	<i>ay</i>		
	Mr. <i>Clymer,</i>	<i>ay</i>	}	<i>ay</i>
<i>Pennsylvania,</i>	Mr. <i>Wynkoop,</i>	<i>ay</i>		
	Mr. <i>Hanson,</i>	<i>ay</i>	}	<i>divided.</i>
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>no</i>		
	Mr. <i>Jones,</i>	<i>ay</i>	}	<i>ay</i>
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>ay</i>		
	Mr. <i>Randolph,</i>	<i>ay</i>	}	<i>ay</i>
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>ay</i>		
	Mr. <i>Matthews,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bee,</i>	<i>ay</i>		
	Mr. <i>Eveleigh,</i>	<i>ay</i>	}	<i>ay</i>
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>		
	Mr. <i>N. W. Jones,</i>	<i>ay</i>	}	<i>ay</i>

So it was lost.

MONDAY, December 10, 1781.

On a report from the secretary at war, to whom was referred a petition of captain Adrian Provaux,

*Resolved,* That captain Adrian Provaux, of the 2d South-Carolina regiment, have a furlough for five months, for the purpose of settling the affairs of his deceased father at Cape-Francois.

On a report of a committee, consisting of Mr. Carroll, Mr. Cornell, Mr. Atlee, Mr. Randolph and Mr. Eveleigh, appointed to report the number of men necessary to be raised for the ensuing year, and to whom fundry other matters were referred:

*Resolved,* That the legislature of each state raise, at the expense thereof, in the first instance, to be reimbursed by the United States, so many men as may be necessary to complete the quota assigned to such state, out of the number of land forces agreed upon in the resolution of the 3d and 21st days of October, 1780, calculating the deficiency upon the number of men whose time of service will expire on or before the first day of March, 1782.

*Resolved,* That the legislature of each state be called upon, in the most pressing manner, to cause the quota thereof of land forces, to be completed and in the field by the first day of March next, and to provide for replacing those men whose time of service shall expire between the said first day of March, 1782, and the last day of November in the said year.

*Resolved,* That it be recommended to the legislature of each state,



to fill up the quota thereof of land forces by enlistments for three years, or during the war.

*Resolved*, That such states as now have any non-commissioned officers or privates in any of the regiments of cavalry, legionary corps, artillery or Hazen's regiment, be credited in their quotas for such men, according to the numbers, from time to time; for which purpose, the commander in chief is hereby directed to specify such non-commissioned officers and privates to the states to which they formerly belonged, in the returns which he shall make to the states, and in his annual return to Congress.

*Resolved*, That the commander in chief cause returns to be made as speedily as possible to the legislature of each state, as well of the number of men whose times of service expire before the first day of March, 1782, as of those whose time of service will expire on or before the last day of November in the year aforesaid.

\*  
TUESDAY, December 11, 1781.

A motion was made by Mr. Carroll, seconded by Mr. Motte,

"That it be recommended to the legislatures of the several states, to cause to be taken and transmitted to Congress, as soon as practicable, the number of the white inhabitants thereof, pursuant to the 9th article of the confederation."

On which the yeas and nays being required by Mr. Carroll,

New-Hampshire,	Mr. Livermore,	ay	>	*
Massachusetts,	Mr. Lovell,	ay	}	ay
	Mr. Patridge,	ay		
Connecticut,	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
New-York,	Mr. Floyd,	ay	>	*
New-Jersey,	Mr. Clark,	ay	}	ay
	Mr. Condict,	ay		
Pennsylvania,	Mr. Clymer,	ay	}	ay
	Mr. Wynkoop,	ay		
Maryland,	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
Virginia,	Mr. J. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Randolph,	ay		
North-Carolina,	Mr. Hawkins,	ay	>	*
South-Carolina,	Mr. Middleton,	ay	}	ay
	Mr. Matthews,	ay		
	Mr. Bee,	ay		
Georgia,	Mr. Motte,	ay	}	ay
	Mr. Eveleigh,	ay		
	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay		

So it was resolved in the affirmative.

\*  
FRIDAY, December 14, 1781.

On a report of the secretary at war, to whom was referred sundry applications of particular officers,



*Resolved*, That in future no particular warrants issue in favour of any officers in actual service in the line of any state, for pay or subsistence, but that at all times they draw their pay and subsistence with the regiment to which they respectively belong, from the pay-master of such regiment.

On another report from the secretary at war, to whom was referred a letter from John Sprague, in behalf of brigadier-general James Reed,

*Resolved*, That it be recommended to the state of New-Hampshire, to make up the depreciation of brigadier-general Reed's pay, from the time of his appointment to the first day of August, 1779, and to pay him the real value of his wages as established by Congress, at the rate of 125 dollars per month, from the first day of August, 1779, to the last day of December, 1780; and that they pay him for his retained rations, amounting to 9372, at the rate of  $\frac{1}{5}$ th of a dollar per ration.

On report of a committee, appointed to confer with the commander in chief on the arrangement of the army, to whom was referred a report of the board of war on a memorial of major Galvan,

*Resolved*, That notwithstanding Congress entertain a just sense of the merit of major Galvan, the good of the service will not permit his being promoted at this time.

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SATURDAY, December 15, 1781.

On motion of Mr. Cornell, seconded by Mr. Clark,

*Resolved*, That the resolution passed yesterday against issuing particular warrants, and respecting the mode of drawing for pay and subsistence, be extended to officers of the separate corps as well as to those in the lines of the several states.

On a report of the secretary at war, to whom were referred motions made by the delegates of South-Carolina and Georgia, for arms and ammunition for the use of their respective states,

*Resolved*, That the secretary at war take order for furnishing the delegates of South-Carolina with 1200 stand of arms, 1200 cartouch-boxes, one ton of musket powder, two tons of lead, 5000 flints, with a sufficient quantity of paper and thread to make the powder into cartridges, the said supply to be charged to the account of the said state:

That the secretary at war take order for furnishing the delegates of the state of Georgia, with 300 stand of arms and accoutrements, 300 cartouch-boxes, 500 pounds of powder, 1000 pounds of lead, 1500 flints, with a sufficient quantity of thread and paper to make up the powder into cartridges, the said supply to be on the account, and charged to the state of Georgia.

On report of a committee, consisting of Mr. Randolph, Mr. Ellery and Mr. Middleton, to whom was referred a petition of John Larreguy, in behalf of John Joseph Lacoizqueta, and John Barberis, subjects of his Catholic majesty, concerning 22 barrels of cochineal, said to have belonged to the said Lacoizqueta and Barberis, and stated by him to have been taken by a vessel bearing the commission of the United States, and condemned in the first instance by the maritime court of Massachusetts, and afterwards by the court of appeals:

*Resolved*, That the said John Larreguy be informed, that the court



of appeals is the established judicature in the United States, in the last resort, on questions relative to prize; that the judges of that court are left free in their judgment; that as no proof or even insinuation is suggested, that they affirmed the sentence of the maritime court of Massachusetts against their conscience, Congress cannot interfere in the complaint contained in the said petition; but that application for relief against the sentence of affirmation, if any, ought to be made to the court of appeals.

On a report of a committee, consisting of Mr. Clymer, Mr. Lovell and Mr. Hawkins, to whom was referred a letter of the 10th from major Giles,

*Resolved*, That major Edward Giles, while in actual service, be entitled to receive the pay and subsistence of a major.

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*MONDAY, December 17, 1781.*

On a report of a committee, consisting of Mr. J. Jones, Mr. Ellery and Mr. Osgood, to whom was referred a letter from Richard Peters, Esq; late a commissioner of the board of war,

*Resolved*, That Mr. Peters' letter be entered on the journal, and that he be informed that Congress are sensible of his merit, and convinced of his attachment to the cause of his country, and return him their thanks for his long and faithful service in the war-department.

The letter is as follows:

*War-Office, November 29, 1781.*

SIR,

General Lincoln having taken upon him the business entrusted to my care, and the powers with which I was honoured ceasing, I have delivered to him the books and papers of the department, and beg to take my most respectful leave of Congress as a public officer. After my having exercised under their immediate observation, for more than five years past, an arduous employment, which, in its commencement, I had to organize and arrange, in its progress always to share, and for no inconsiderable portion of the time, solely to support its difficulties, it is needless for me to make any professions of unalterable attachment to the cause of my country. It gives me pleasure that the situation of public affairs has, in a considerable degree, abated the embarrassments attending the department, and that the gentleman who succeeds to it will have to travel in a path, though not without its impediments, yet less thorny than that trodden by his predecessors. Far from being greedy after fame, I shall deem myself fortunate, if, through the vicissitudes of the war, and in the various scenes of business I have been engaged, I have conducted myself irreproachably. I am happy that the time I leave the public business, is one of the most prosperous periods of the war, and that it can be so agreeably contrasted with that in which I was called to it. I shall return on this account, with great cheerfulness, because I can do it with honor, to the duties of a private citizen, and hope ere long to enjoy in peace that independence, which in prospect has animated me through many a toilsome day, and will amply reward me for the loss of private ease and fortune, and all



the perplexities and distresses I have continually assisted to encounter in the department in which I had the honor to serve.

I have the honor to be,  
with the greatest respect,  
your very obedient servant,

RICHARD PETERS.

His excellency the president of Congress.

A letter to the states was reported and agreed to, urging them to comply with the requisitions for men and money.

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TUESDAY, December 18, 1781.

On report of the committee appointed to report the number of men, &c.

*Resolved*, That it be recommended to the legislature of each state to appoint one or more places at which the recruits thereof shall rendezvous, to supply such recruits with provisions from the time of their being mustered until they shall join the army; and to give notice of the place or places so appointed to the commander in chief, or the commanding-officer of the southern-department, who, upon receiving such notice, will send to each place of rendezvous a judicious, faithful officer, whose duty it shall be to muster the recruits and forward them to the places of their destination; to keep a size-roll of all the men he shall muster, and give a copy thereof to the officer commanding the recruits sent forward as aforesaid; to transmit weekly a copy of the roll to the executive of the state for which the recruits are mustered; and, upon mustering a recruit, to certify to the person producing him, the class, town and county for which he was engaged to serve, which certificate shall be full evidence that an able-bodied man has been mustered and received.

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WEDNESDAY, December 19, 1781.

On motion of Mr. Cornell, seconded by Mr. Osgood,

*Resolved*, That in case the superintendant of finance shall find it convenient and proper to provide by contract for supplying the recruits at and from the places of rendezvous until they join the army, the states may be relieved from that duty.

On the report of the committee, appointed to report the number of men, &c.

*Resolved*, That the commander in chief do, from time to time, as occasion may require, make known to the secretary at war, the number of general officers which he shall judge necessary to be in the field in the main and separate armies, and in different parts of the United States; and that, on the receipt thereof, the secretary at war shall issue his orders to such general officers as he shall think proper to remain in or take the field for the purpose of completing the said number: and that he report to Congress the names of the officers remaining in or called into the field.

*Resolved*, That every general officer who shall not be in the field agreeably to the foregoing resolution, shall be considered as being on the half-pay establishment, but liable to be called into the field; and that every general officer who shall have been on the half-pay estab-



lishment, according to the preceding resolution, and shall be recalled into the field, shall receive during his continuance in actual command, every allowance and emolument incident to his rank.

A motion was made by Mr. Ellery, seconded by Mr. Middleton, to add the following proviso, to wit :

“Provided nevertheless, that, no general officer shall remain in or take the field without the approbation of Congress.”

On the question to agree to this proviso, the yeas and nays being required by Mr. Ellery,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
	Mr. Lovell,	no		
<i>Massachusetts,</i>	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	divided.
	Mr. Cornell,	no		
<i>Connecticut,</i>	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
<i>New-York,</i>	Mr. Floyd,	no	}	*
	Mr. Clark,	no		
<i>New-Jersey,</i>	Mr. Conduct,	no	}	no
	Mr. Montgomery,	no		
<i>Pennsylvania,</i>	Mr. Clymer,	no	}	no
	Mr. Wynkoop,	no		
<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. Jones,	no	}	no
	Mr. Randolph,	no		
<i>South-Carolina,</i>	Mr. Middleton,	ay	}	no
	Mr. Matthews,	no		
<i>Georgia,</i>	Mr. Bee,	no	}	no
	Mr. Motte,	no		
<i>Georgia,</i>	Mr. Eveleigh,	no	}	no
	Mr. Telfair,	no		
	Mr. N. W. Jones,	no	}	no

So it passed in the negative.

THURSDAY, December 20, 1781.

*Resolved*, That the commander in chief be directed to obtain the fullest information he can, respecting the powers and conduct of a set of men who stile themselves, “the board of directors of the associated loyalists in New-York,” and report thereon to Congress.

On report of a committee, consisting of Mr. Houston, Mr. Cornell and Mr. J. Jones, to whom was referred a letter of the 24th of November, from the governor of the state of New-York,

*Ordered*, That the secretary at war furnish to the order of Mr. Floyd, one of the delegates for the state of New-York, two tons of gun-powder, and charge the same to the said state.

FRIDAY, December 21, 1781.

On motion of Mr. Clark, seconded by Mr. Motte,

*Resolved*, That at eleven o'clock every morning, to which Congress



is adjourned, the secretary shall call the states, and in case a sufficient number to proceed upon business should not be present, the president shall then adjourn Congress for that day without a question, and the secretary shall note in a book to be kept for that purpose, the states unrepresented.

*Ordered*, That Mr. Matthews have leave of absence.

MONDAY, December 24, 1781.

Mr. Elmer, a delegate for New-Jersey, attended.

On a report from the secretary at war,

*Resolved*, That in future no recruit shall be enlisted to serve as a drummer or fifer. When such are wanted, they shall be taken from the soldiers of the corps, in such numbers and of such description as the commander in chief or the commanding-officer of a separate army shall direct, and be returned back and others drawn out as often as the good of the service shall make necessary :

That all drummers and fifers after being supplied each with a good drum and fife, shall keep the same in repair by stoppages from his pay, in such manner as the commanding-officer of the corps shall order.

A letter, from the superintendant of finance, was read, wherein he requests that Congress will be pleased to appoint two auditors as soon as may be convenient.

An ordinance respecting the hospital-department was read the first time :

*Ordered*, That Wednesday next be assigned for the second reading of this ordinance.

On a report of a committee, consisting of Mr. Lovell, Mr. Sherman and Mr. Clymer, to whom was referred so much of a report from the committee of commerce as relates to the salary of Mr. William Bingham,

*Resolved*, That there be passed to the credit of William Bingham, Esq; on the treasury books, the sum of 110,324 livres of Martinique, due to him as the political agent of the United States in the French West-Indies, to bear an interest of six per cent. per annum, from the 14th day of June last.

Wednesday and Friday were employed in the second reading of the ordinance on the hospital-department, which, after debate, was referred to a new committee.

SATURDAY, December 29, 1781.

On report of a committee, consisting of Mr. Middleton, Mr. Clymer and Mr. Clark, to whom was referred a motion for supplying the several states with copies of ordinances or reports previously to their being debated,

*Ordered*, That whenever a day is assigned for the consideration of any ordinance or report, upon a matter of importance and not of a secret nature, the secretary, *ex officio*, cause to be made out and laid upon the table of Congress, as soon as may be, a copy of such ordinance or report for each state represented in Congress, for the information of members previously to their being debated.

An ordinance for incorporating the subscribers to the national bank, was read a first time :



*Ordered,* That Monday next be assigned for a second reading.

*MONDAY, December 31, 1781.*

The ordinance for incorporating the subscribers to the bank of North-America, was read a second time, and ordered to be read a third time at two o'clock.

On report of the committee, appointed to confer with the commander in chief, to whom was referred a report of the board of war respecting a number of officers not belonging to the line of any particular state or separate corps of the army.

*Resolved,* That all officers of the line of the army, below the rank of brigadier-general, who do not belong to the line of any particular state or separate corps of the army, and are entitled by acts of Congress to pay and subsistence, shall have the same with the depreciation of their pay, made good to the first day of January, 1782.

*Resolved,* That the secretary at war be, and he is hereby directed to make returns to Congress on or before the 20th day of January, 1782, of the names and rank of all the officers necessary to be retained in service, that are included in the preceding resolution.

*Resolved,* That all officers included in the foregoing description, and whose names shall not be inserted in the returns directed to be made by the preceding resolution, shall be considered as retiring from service on the first day of January, 1782: provided always, that nothing contained in these resolutions, shall be construed so as to prevent or hinder any officer that shall retire as aforesaid, from enjoying all the emoluments that he may, upon retiring, be entitled to by any former acts of Congress.

*Resolved,* That it be recommended to the several states respectively, to settle the depreciation of the pay of all the officers that are inhabitants of their respective states, and shall retire from service under the preceding resolutions, in the same manner as they settled with the officers of the line of their state, and charge the same to the United States: and that the depreciation of all officers of the line of the army, not being inhabitants of the United States, nor belonging to the line of any state, be settled upon the same scale by which the settlement was made with the officers and privates of col. Hazen's regiment.

The ordinance being read a third time, was agreed to as follows:

*An ordinance to incorporate the subscribers to the bank of North-America.*

Whereas Congress on the 26th day of May last did, from a conviction of the support which the finances of the United States would receive from the establishment of a national bank, approve a plan for such an institution submitted to their consideration by Robert Morris, Esq; and now lodged among the archives of Congress, and did engage to promote the same by the most effectual means: and whereas, the subscription thereto is now filled from an expectation of a charter of incorporation from Congress, the directors and president are chosen, and application hath been made to Congress by the said president and directors for an act of incorporation: and whereas, the exigencies of



the United States render it indispensably necessary that such an act be immediately passed.

Be it therefore ordained, and it is hereby ordained, by the United States in Congress assembled, that those who are, and those who shall become subscribers to the said bank be, and forever after shall be, a corporation and body politic to all intents and purposes, by the name and stile of *the president, directors and company of the bank of North-America*.

And be it further ordained, that the said corporation are hereby declared and made able and capable in law, to have, purchase, receive, possess, enjoy, and retain lands, rents, tenements, hereditaments, goods, chattles and effects, of what kind, nature or quality soever, to the amount of 10,000,000 of Spanish silver milled dollars and no more; and also to sell, grant, demise, alien, or dispose of the same lands, rents, tenements, hereditaments, goods, chattles and effects.

And be it further ordained, that the said corporation be, and shall be for ever hereafter, able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever; and to do and execute all and singular other matters and things that to them shall or may appertain to do.

And be it further ordained, that for the well governing of the said corporation, and the ordering of their affairs, they shall have such officers as they shall hereafter direct or appoint: provided nevertheless, that twelve directors, one of whom shall be the president of the corporation, be of the number of their officers.

And be it further ordained, that Thomas Willing be the present president, and that the said Thomas Willing, and Thomas Fitzsimmons, John Maxwell Nesbit, James Wilson, Henry Hill, Samuel Osgood, Cadwallader Morris, Andrew Caldwell, Samuel Inglis, Samuel Meredith, William Bingham, Timothy Matlack, be the present directors of the said corporation; and shall so continue until another president and other directors shall be chosen according to the laws and regulations of the said corporation.

And be it further ordained, that the president and directors of the said corporation, shall be capable of exercising such power for the well governing and ordering of the affairs of the said corporation, and of holding such occasional meetings for that purpose, as shall be described, fixed and determined by the laws, regulations and ordinances of the said corporation.

And be it further ordained, that the said corporation may make, ordain, establish, and put in execution such laws, ordinances and regulations as shall seem necessary and convenient to the government of the said corporation.

Provided always, that nothing herein before contained, shall be construed to authorize the said corporation, to exercise any powers in any of the United States, repugnant to the laws or constitution of such state.

And be it further ordained, that the said corporation shall have full power and authority, to make, have and use, a common seal, with such device and inscription as they shall think proper, and the same to break, alter and renew at their pleasure.



And be it further ordained, that this ordinance shall be construed, and taken most favourably and beneficially for the said corporation.

Done by the United States in Congress assembled, &c. &c.

*Resolved*, That it be recommended to the legislature of each state, to pass such laws as they may judge necessary, for giving the foregoing ordinance its full operation, agreeably to the true intent and meaning thereof, and according to the recommendations contained in the resolutions of the 26th day of May last.

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WEDNESDAY, January 2, 1782.

On motion of Mr. Clark, seconded by Mr. Madison,

*Resolved*, That the post-office be continued on the old establishment until the first day of February next.

On report of a committee, consisting of Mr. Randolph, Mr. Lovell, Mr. Montgomery, to whom was referred a letter of the 18th of November, 1781, from the secretary for foreign affairs :

*Ordered*, That the secretary for foreign affairs lay before Congress an estimate of the expenses, which will probably be incurred by the foreign ministers of the United States respectively, and their secretaries.

*Ordered*, That the superintendant of finance take order for supplying the foreign ministers of the United States, their secretaries and the public agents, with their respective salaries.

On report of a committee, consisting of Mr. Randolph, Mr. Ellery, Mr. Law, to whom was referred a motion of Mr. J. Jones, Congress came to the following resolution :

To render more effectual the provision contained in the ordinance, ascertaining what captures on water shall be lawful, for the capture and condemnation of goods, wares and merchandizes of the growth, produce or manufacture of Great-Britain, or the territories depending thereon, in certain cases :

*Resolved*, That it be earnestly recommended to the legislature of each state to pass acts to be in force during the continuance of the present war, for the seizure and condemnation of all goods, wares and merchandizes of the growth, produce or manufacture of Great-Britain, or of any territory depending thereon, which shall be found on land within their respective jurisdictions, unless the same shall have been imported before the first day of March, 1782, or shall have been captured from the enemy.

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THURSDAY, January 3, 1782.

On a report of the secretary at war, to whom was referred a memorial of Dr. Glentworth and others :

*Resolved*, That it be, and hereby is recommended to the state of Pennsylvania, to settle the balance of pay and depreciation due to doctors G. Glentworth, W. Smith, J. Fallon, S. Duffield and S. Halling, late physicians and surgeons in the general-hospital, on the same principles they settled with the other physicians and surgeons of the army, on citizens of that state.

An ordinance amending the ordinance, ascertaining what captures water shall be lawful, was read a first time.



*Ordered*, That Monday next be assigned for the second reading.

On a report of a committee, consisting of Mr. Clark, Mr. Cornell and Mr. Motte, to whom was referred an arrangement of the medical department :

*Resolved*, That for the more regular conducting the general-hospital, the offices of chief-physician and surgeon of the army, and of chief hospital-physician, be, and hereby are abolished ; and that the chief-physician and surgeon to the army, eldest in appointment, be continued in service, under the title of physician, with the pay and emoluments heretofore allowed to a chief hospital-physician :

That the number of surgeons to all the military-hospitals of the United States, be reduced so as not to exceed fifteen :

That the director have the general superintendence and direction of all the military-hospitals, and of practice both in camp and in hospitals :

That in the absence of the director, his duty devolve on the deputy-director or physician, and in their absence on the hospital-surgeons, according to seniority :

That the director, or in his absence the senior medical-officer, with the approbation of the commander in chief, or commanding-general of a separate army, be, and hereby is authorized and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical-officers then present ; and it shall be the duty of such board to appoint all hospital-mates, to examine all candidates for promotion in the hospital-department, and recommend to the secretary at war such as they judge best qualified ; and generally to take cognizance of, and give their opinion and advice on every matter relative to the department, which may be submitted to them by the commander in chief, or commanding-general of a separate army : provided always, that no regulation, plan or order of the board, shall be valid and take effect, until approved by the commander in chief, or commanding-general of a separate army, and issued in general orders :

That all returns heretofore ordered to be made by the director or deputy-director, to the medical-committee, be made to the secretary at war :

That the stewards may, in the first instance, when the purveyor or his assistant is at a distance, be appointed by the director or senior medical-officer, but shall be removeable at pleasure, and others substituted in their stead, by the purveyor or his assistant. And although in their purchases or issues, they are to obey the order of the prescribing surgeons, yet for the faithful discharge of their duty, they are to be accountable to the purveyor, who shall in like manner be accountable to the United States. Wherefore the said stewards shall keep separate accounts of all they receive, and of what they themselves purchase ; and shall render an account monthly of all their issues, with their stock on hand to the purveyor, who shall render the said accounts, together with a particular account of the supplies furnished by himself or his assistants to each respective hospital, once every three months to the superintendant of finance :

That the secretary at war be, and he is hereby empowered and di-



rected, on or before the first day of February next, and hereafter, from time to time, as the service may require, to arrange the department agreeably to the foregoing resolutions, and to issue his orders to such as he thinks proper to remain, paying a due regard in his first arrangement to such of the chief-physicians and surgeons as may choose to continue in service in the rank of surgeons, and in his subsequent arrangements to such of the senior officers as may choose to remain in service :

That such of the officers as shall not be called into service agreeably to the foregoing resolution, be considered as reduced by Congress, and be entitled to the emoluments granted by the act of Congress of the 17th of January, 1781 :

That when by reason of vacancies or otherwise, any officer be hereafter to be appointed in the hospital-department, and whose appointment is reserved to Congress, due regard be paid to the officers next in rank ; and that the appointment of hospital-surgeons be from among the regimental-surgeons and hospital-mates : provided that no regimental-surgeon shall be so appointed, who shall not have submitted himself to an examination by the medical-board, and obtained from them a certificate that he is well qualified for the office of regimental-surgeon, by which certificate the regimental-surgeon shall be considered as superior in rank to an hospital-mate, but not otherwise.

*Resolved*, That the director, deputy-director, physician, surgeons and mates, as well hospital as regimental, receive their pay out of the military-chest, at the same time and in the same manner as the army with which they serve ; the abstracts to be signed by the director, deputy-director, or physician, or in their absence by the senior hospital-surgeon ; and the warrants to issue in the same manner as for the pay of the army.

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*MONDAY, January 7, 1782.*

The ordinance for amending the ordinance, ascertaining what captures on water shall be lawful, was read a second time, and ordered to be read a third time to-morrow.

On a report of a committee, consisting of Mr. Osgood, Mr. Randolph and Mr. Bee, to whom was referred a motion relative to the value and weight of foreign coins :

*Resolved*, That it be an instruction to the superintendant of finance, to prepare and report to Congress a table of rates, at which the different species of foreign coins most likely to circulate within the United States, shall be received at the treasury thereof.

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*TUESDAY, January 8, 1782.*

The ordinance for amending the ordinance, ascertaining what captures on water shall be lawful, was read a third time, and passed as follows :

An ordinance for amending the ordinance, ascertaining what captures on water shall be lawful.

Whereas there hath been great variance in the decisions of several maritime courts within the United States, concerning the pretensions of vessels claiming a share of prizes, as being in fight at the time of capture ; some having adjudged that the mere circumstance of being



in fight was a sufficient foundation of title, while others have required proof of a more active influence : and whereas this inconvenience hath arisen from the want of an uniform rule of determination in such cases :

Be it therefore ordained by the United States in Congress assembled, that no share of any prize shall be adjudged to a vessel being in fight at the time of capture, unless the said vessel shall have been able at the time when the captured vessel struck, to throw a shot as far as the space between herself and the captured vessel ; and that every vessel coming in aid of the captors, which shall have been able at the time when the captured vessel struck, to throw a shot as aforesaid, and shall have been duly authorized to make captures, shall be entitled to share according to the number of her men and the weight of her metal : provided that nothing herein contained shall be construed to effect any agreement which shall have been previously made between vessels cruising in consort.

And be it further ordained by the authority aforesaid, that whenever an armed vessel belonging to, and commissioned by the enemy, shall be captured by any armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of the captured vessel, and her rigging, tackle, apparel and furniture, shall be adjudged to the captors ; and where a cargo shall be on board of such captured vessel, one moiety of the net proceeds of such cargo shall be adjudged to the United States, and the other moiety to the captors.

And be it further ordained by the authority aforesaid, that upon the capture of any vessel belonging to the enemy, and laden with masts or spars, by an armed vessel belonging to the United States, and duly authorized to make captures, the net proceeds of the sales of such captured vessel and her cargo shall be adjudged to the captors.

This ordinance shall take effect and be in force, from and after the last day of February next.

Done by the United States in Congress assembled, &c. &c.

WEDNESDAY, January 9, 1782.

An ordinance was read the first time respecting the settlement of public accounts, which was first reported by the superintendant of finance on a reference of a memorial of the legislature of New-Jersey, November 23, 1781, and which being referred to a committee, consisting of Mr. J. Jones, Mr. Cornell, Mr. Clymer, Mr. Osgood and Mr. Matthews, was amended and reported by them :

*Ordered*, That Friday next be assigned for the second reading.

On a report of the secretary at war, on a resolution of the legislature of New-Hampshire, of the 29th of November last, and a petition of captain Ebenezer Greene :

*Resolved*, That it be, and is hereby recommended to the state of New-Hampshire, to settle with and pay captain Ebenezer Greene, and make him such allowances for his services and sufferings, as shall appear to them to be his just due, but not to exceed his full pay as a captain, for so long time as they may judge proper, not exceeding the time of his release, and charge the same to the United States.

A report of a committee, consisting of Mr. Randolph, Mr. Sher-



man and Mr. Clymer, to whom was referred a plan of a convention between his most Christian majesty and the United States, for regulating the powers and duties of consuls and vice-consuls, was agreed to by nine states.

*Ordered*, That the committee who brought in the report, communicate the report as agreed to, to the honorable the minister plenipotentiary of France.

A motion was made by Mr. Randolph, seconded by Mr. Osgood,

That in consideration of the eminent services of brigadier-general Knox, commanding-officer of the artillery of the United States; and particularly of his meritorious conduct in the siege of York, in the state of Virginia, he be promoted to the rank of major-general, and take rank from the 15th day of November last.

That all promotions from the rank of brigadier-general to majors-general, be according to the established rules of the promotion of colonels to the rank of brigadier-generals.

On the question to agree to this, the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
	Mr. Lovell,	ay		
<i>Massachusetts,</i>	Mr. Patridge,	ay	}	ay
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay
	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Floyd,	ay	}	*
	Mr. Boudinot,	ay		
<i>New-Jersey,</i>	Mr. Elmer,	no	}	no
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Clymer	no		
<i>Maryland,</i>	Mr. Wynkoop,	ay	}	ay
	Mr. Hanson,	ay		
<i>Virginia,</i>	Mr. Carroll,	ay	}	ay
	Mr. Madison,	ay		
<i>North-Carolina,</i>	Mr. Randolph,	ay	}	ay
	Mr. Hawkins,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	*
	Mr. Bee,	no		
<i>Georgia,</i>	Mr. Motte,	no	}	no
	Mr. Eveleigh,	no		
	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So the motion was lost.

THURSDAY, January 10, 1782.

The committee, consisting of Mr. Cornell, Mr. Lovell, Mr. Motte, to whom was referred a plan for conducting the inspector's depart-



ment reported by the secretary at war, delivered in their report, which being read, was agreed to as follows :

Plan for conducting the inspector's department.

*Resolved*, That the establishment of the inspector's department by the resolutions of the 25th of September, 1780, and all subsequent resolutions relative thereto, be, and hereby are repealed ; and that the department hereafter have the following form, powers and privileges, viz.

There shall be an inspector-general of the armies of the United States, to be appointed by Congress from the general officers, and to be allowed one secretary in addition to the aids, which he has in the line of the army : the secretary shall be taken from the line, and be entitled to the pay and emoluments of an aid-de-camp. There shall be one inspector for each separate army, to be taken from the field-officers of the line of the army, to be allowed 30 dollars per month, in addition to his pay and emoluments in the line.

The inspector-general or inspector of a separate army shall, once in every month, in such time, place and mode as the commander in chief, or commanding-officer of a separate army, shall direct, review and muster the troops of every denomination in service, at which review they shall inspect the number and condition of the men and horses, the discipline of the troops, the state of their arms, accoutrements, ammunition, clothing and camp equipage, and make returns thereof to the commander in chief, or commanding-officer of a separate army ; noting the deficiencies, neglects and abuses, and if possible the manner in which they happened ; and at the same time pointing out the alterations and amendments they may think necessary, in any branch of the military system : duplicates of which returns shall be transmitted by the commander in chief or commanding-officer of a separate army, to the secretary at war.

At the end of every review the commanding-officer of the corps reviewed, shall exercise his corps in the manual and evolutions before the inspector, so as to enable him to inspect and report the discipline of the troops agreeably to the foregoing paragraph ; and when the inspector-general or inspector of a separate army finds it necessary to have any particular evolutions or manœuvres performed either by one or several corps, he shall furnish a plan of such evolutions to the commanding-officer of the army who will approve or amend them, and order them executed as he may think proper.

At every review, the commanding-officers of companies and corps shall produce to the inspector, returns of the state of their respective companies and corps, and such other papers and vouchers relative to the enlistment of the men, as he shall think necessary : three muster-rolls shall also be made out by the commanding-officer of each troop or company and signed by him, one of which shall be returned to him, certified by the inspector ; one shall be certified and delivered to the regimental pay-master, to be affixed to the pay-rolls, and the other shall be retained by the inspector.

The inspector-general or inspector of a separate army shall, as soon as possible after every muster, transmit an abstract of the musters of the whole army in which he is serving, to the commanding-officer, who shall transmit a duplicate thereof to the secretary at war.



As soon as possible after every review, the inspector shall report to the commander in chief or commanding-officer of a separate army, all such soldiers whom, from inability or other causes, it may be necessary to discharge or transfer to the invalids; and no discharge shall in future be valid, unless signed by the commander in chief or officer commanding the army where such discharge is given.

The inspector-general or inspector of a separate army, shall be authorized to call on the quarter-master-general, clothier-general and field commissary of military-stores or their deputies, for returns of the articles which have been issued from and returned to their several departments by each corps, that the inspectors may see whether every article so delivered, has been regularly and satisfactorily accounted for, or charged to the corps, agreeably to the established regulations.

The inspector-general or inspector of a separate army, shall be authorized and required to visit the military-hospitals of the United States, from time to time, to examine the general state of them, and the treatment of the patients, which he shall report to the officer commanding the army; and the director, deputy-director or superintending surgeon of any hospital, shall furnish them with such returns as they may find necessary for the better execution of their office.

The inspector-general shall himself, previous to the opening and at the close of every campaign, or as often as the commander in chief shall think fit to order, visit every part of the army, to see that uniformity prevails throughout the armies of the United States.

The inspector-general and inspectors of a separate army, in the execution of their offices, shall be subject only to the orders of Congress, the secretary at war, commander in chief, or commanding-officer of a separate army; and that the inspectors may attend the better to the duties of their offices, they shall be exempted from all other duties, except when the commander in chief or commanding-officer of a separate army, shall think proper to order otherwise.

All returns in the inspector's department are to be made agreeably to the forms, which shall be delivered by the inspector-general.

Each inspector of a separate army shall be allowed to take an officer from the line of captains or subalterns, to assist him in the duties of his office, who shall be allowed ten dollars per month in addition to his pay in the line.

*Resolved*, That major-general baron Steuben be, and hereby is continued inspector-general of the armies of these United States, and vested with power to appoint all officers necessary to carry the foregoing plan into execution, they being first approved of by the commander in chief.

On a report of a committee, consisting of Mr. Clark, Mr. Cornell and Mr. Bee, to whom was referred a memorial of the Rev. Mr. Sproat, late hospital-chaplain,

*Ordered*, That the present purveyor of the hospital, who was late assistant deputy-director of the middle-district, settle and certify the pay and other allowance due to the officers in the late hospital-department north of Potomack, up to the 4th day of October, 1780, the time that a new choice of officers took place.



FRIDAY, January 11, 1782.

The ordinance for settling public accounts was taken up for a second reading and debated.

TUESDAY, January 15, 1782.

On motion of Mr. Clymer, seconded by Mr. Bee,

*Resolved*, That the salary of George Readhead, employed by the late commercial-committee to adjust the accounts of the said committee, be at the rate of 600 dollars per annum; and that the same be referred to the superintendant of finance.

WEDNESDAY, January 16, 1782.

On the report of a committee, consisting of Mr. Carroll, Mr. Randolph, Mr. Cornell, to whom was referred a letter of the 12th, from the superintendant of finance,

It appearing that Mr. W. Parker, one of the commissioners of the loan-office for the state of South-Carolina, hath deposited in the treasury of the United States, loan-office certificates to the amount of 402,000 dollars, enclosed in a bundle directed to the governor of Georgia, which bundle, by accident, fell into the said Parker's hands whilst in South-Carolina; and which, from a view of the disturbed situation of South-Carolina and Georgia, and from other prudential considerations, he thought proper to detain:

*Resolved*, That Congress entertain a due sense of the attention, integrity and patriotism of Mr. William Parker, in preserving the loan-office certificates aforesaid.

On motion of Mr. Lovell, seconded by Mr. Patridge,

*Resolved*, That in the settlement of the accounts of such officers of the hospital and medical-department, as are entitled to an allowance for depreciation by any resolutions of Congress, the establishment of pay made upon the 8th day of April, 1777, be considered as specie.

The ordinance for settling public accounts being farther debated, was referred to a grand committee.

THURSDAY, January 17, 1782.

On a report of a committee, consisting of Mr. Cornell, Mr. Law and Mr. Madison, to whom were referred two letters from the secretary at war, one containing a report of the officers necessary for assisting him in the various branches of his department; and the other stating the necessity of his going to Massachusetts, and requesting permission to go there for a short time for the purposes mentioned:

*Resolved*, That the secretary at war be, and he is hereby authorized to appoint the following officers, for whose conduct he shall be accountable, and who shall also be removeable by him, to wit:

One assistant, whose salary shall be 1250 dollars per annum:

One secretary, whose salary shall be 1000 dollars per annum:

The clerks, whose salary shall be the same as that of those in other public offices.

*Resolved*, That in consideration of the reasons stated by the secretary at war, he be informed that Congress have no objection to his being absent agreeably to his request.



*SATURDAY, January 19, 1782.*

On a report of the secretary at war, to whom was referred a motion of Mr. Clark, seconded by Mr. Cornell,

*Resolved*, That so much of the resolution of the 25th of May, 1781, as directs the forming the United States into districts, the number of brigadiers in each district, that brigadiers shall be appointed from the oldest colonel in such districts respectively, and that the major-generals shall be appointed from the eldest brigadier in the United States, be, and hereby is repealed.

*MONDAY, January 21, 1782.*

Pursuant to the order of the 31st of December last, the secretary at war made a return of the officers described in the resolution of the said 31st day of December, who are to be retained in service.

The list is as follows:

Lieutenant-colonel Hamilton,  
Lieutenant-colonel Gimat,  
Major M'Pherson,  
Major Galven,  
Captain Celeron,  
Lieutenant de Britigny,

Lieutenant-colonel John Laurens,  
Lieutenant-colonel Tilghman,  
Lieutenant-colonel Smith, } Aids-de-camp to the commander in chief.

Lieutenant-colonel Morris, } Aids to major-general Greene.  
Majors Burnet,

Lyman, Aid to major-general Heath.

M'Dougall, } Aids to major-general M'Dougall.  
Platt, }

Clarkson, } Aids to major-general Lincoln.  
Baylis, }

Armstrong, Aid to major-general Gates.

A. Giles, Aid to major-general Sinclair.

E. Giles, Aid to major-general Smallwood.

Captains Capitaine, } Aids to major-general the marquis de la Fayette,  
Pontgibean, }

La Colombe, }  
Pontiere, Aid to major-general baron Steuben.

*TUESDAY, January 22, 1782.*

Mr. Livermore, a delegate for the state of New-Hampshire, attended, and produced credentials of his appointment, dated December 29th, 1781, empowering him to represent that state until the first day of November next.

A committee, consisting of Mr. Randolph, Mr. Ellery and Mr. Law, to whom was referred a memorial of James Wilson, Esq; in behalf of the owners of the ship Marquis de la Fayette, report,

That it is inexpedient that Congress should give relief to a suitor in the court of appeals, where the circumstance against which relief is prayed, has been occasioned by such suitor or his friend: that in the case of the ship Marquis de la Fayette, the neglect which is sought to



be remedied, was owing to Mr. de Valnais, who undertook the management of the interests of its owners and crew: that similar relief would be denied to a citizen of the United States, from a consideration of the great mischief which would arise by excepting particular cases from general laws on such occasions: whereupon,

*Resolved*, That the memorialist be informed, that Congress are of opinion, that they ought not to give relief against the neglect of the agent for the ship Marquis de la Fayette.

On motion of the committee, appointed to communicate to the minister of France the plan of a convention respecting consular powers,

*Resolved*, That the said plan be re-considered for the purpose of admitting certain amendments.

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THURSDAY, January 24, 1782.

A letter, of the 23d, from general Washington, was read, accompanied with the proceedings of a general court-martial, upon major-general Howe; the said proceedings being also read,

*Resolved*, That the sentence of the general court-martial, acquitting major-general R. Howe, with the highest honor, of the charges exhibited against him, be, and hereby is approved and confirmed.

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FRIDAY, January 25, 1782.

The plan of a convention respecting consular powers being re-considered and amended, was read over, together with instructions to the minister plenipotentiary of these United States respecting it, and the same was agreed to by nine states.

*Resolved*, That it be recommended to the several legislatures of these United States, to provide by law for the establishment of a speedy mode of administering justice between subjects of his most Christian majesty and citizens of the United States; and for vesting persons in the neighbourhood of the sea-coast, with power to secure ship-wrecked property in the most effectual manner,

The committee, consisting of Mr. Ellery, Mr. Randolph, Mr. Law, Mr. N. W. Jones and Mr. Clymer, to whom was re-committed the report of a committee, on sundry letters and papers respecting the district of country, commonly known by the name of the New-Hampshire Grants, delivered in their report; which was taken into consideration and debated,

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MONDAY, January 28, 1782.

Mr. T. Rodney, and Mr. M'Kean, delegates for the state of Delaware, attended, and took their seats.

The committee, consisting of Mr. J. Jones, Mr. Boudinot, Mr. Cornell, to whom was referred a letter of the 14th inst. from E. Hazard, inspector of dead letters, accompanied with two letters directed to Arthur Lee, Esq; made report; whereupon,

*Resolved*, That Ebenezer Hazard, in transmitting the packet of letters directed to Arthur Lee, Esq; to the president of Congress, for the information of this body, hath done his duty:

*Ordered*, That the said packet be referred to the superintendant of finance.



A report of a committee, consisting of Mr. Randolph, Mr. Boudinot and Mr. Middleton, was taken into consideration ; whereupon,

In order that the president may be relieved from the business with which he is unnecessarily incumbered, that the officers at the head of the several executive departments lately established, may be enabled to execute the duties required of them, and that business may be conducted with regularity and dispatch,

*Resolved*, That it shall be the business of the secretary,

1st. To transmit to the superintendant of finance, all papers referred to him by Congress ; as well as an authenticated copy of every act, ordinance and resolution of Congress touching the finances of the United States : to the secretary at war, all papers referred to him by Congress ; as well as an authenticated copy of every act, ordinance and resolution touching his department : to the secretary or agent of marine, or to the person entrusted with the duties of the office of secretary or agent of marine, all papers referred to him by Congress ; as well as an authenticated copy of every act, ordinance and resolution touching his department : and to the secretary for foreign affairs, all papers referred to him by Congress ; as well as an authenticated copy of every act, ordinance and resolution touching his department :

2d. To keep a daily account of all memorials, petitions and communications received by Congress, noting therein their object and the steps taken respecting them ; and lay the said account or register every day, on the table of Congress for the inspection of the members.

3d. To return such answers as Congress shall direct to be given to the memorials, petitions and communications, except where Congress shall judge it proper that the same be given by their president, or where it shall be the duty of any of the executive departments to return such answers :

4th. To attend Congress during their sessions, and, in their recesses, to attend the committee of the states, to read the public dispatches, acts, ordinances and reports of committees, and to make the proper entries in the journals ; to authenticate all acts and proceedings not specially directed to be authenticated by their president ; and to keep a register of all treaties, conventions and ordinances :

5th. To cause to be made and laid upon the table for every state representing in Congress, a copy of every ordinance or report upon a matter of importance, and not of a secret nature, for the consideration of which a day is assigned :

6th. To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct :

7th. To superintend the printing of the journals and publications ordered by Congress :

8th. To keep a book in which shall be noted in columns, the names of the several members of Congress, the state which they represent, the date of their appointments, the term for which they are appointed, and the date of leave of absence.

*Resolved*, That so much of the act of the 22d of March, 1777, as directs that attested copies of resolutions coming within the purview of this act, be sent to the president, to be transmitted by him, be, and hereby is repealed.



*Resolved*, That the salary of the secretary of the United States in Congress assembled, be 3000 dollars per annum.

The report of the committee respecting the New-Hampshire Grants, was debated and referred to a grand committee.

Congress proceeded to the election of two auditors in the treasury-department; and, the ballots being taken,

Mr. William Geddes and Mr. John Dyer Mercier were elected, the former having been nominated by Mr. Hanson, and the latter by Mr. Telfair.

Congress proceeded to the election of a post-master-general; and, the ballots being taken,

Mr. Ebenezer Hazard was elected, having been previously nominated by Mr. Sherman:

Mr. James Bryson was elected assistant or clerk to the post-master-general, having been previously nominated by Mr. Clark.

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TUESDAY, January 29, 1782.

A motion having been made yesterday, and a question taken for the choice of a major-general, which passed in the affirmative; and immediately after a motion being made to re-consider the motion passed, which was also determined in the affirmative; the sense of the house is required, whether in this case the original motion and the motion for re-considering, shall be entered on the journal?

On this the yeas and nays being required by Mr. Bee,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Clark,	no	}	*
	Mr. Boudinot,	ay		
	Mr. Condict,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Atlee,	ay	}	no
	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. Rodney,	ay	}	*
<i>Maryland,</i>	Mr. Hanson,	no		
	Mr. Carroll,	no	}	no
<i>Virginia,</i>	Mr. Jones,	no		
	Mr. Madison,	no	}	no
	Mr. Randolph,	ay		
<i>North-Carolina,</i>	Mr. Hawkins,	ay	}	*
<i>South-Carolina,</i>	Mr. Middleton,	ay		
	Mr. Bee,	ay	}	ay
	Mr. Motte,	ay		
	Mr. Eveleigh,	ay	}	
<i>Georgia,</i>	Mr. N. W. Jones,	ay		

So it passed in the negative.



On the report of a committee, consisting of Mr. Floyd, Mr. Cornell and Mr. Middleton, to whom was referred a memorial of John Edgar, stating the losses he has suffered for his attachment to the cause of the United States, and praying for a compensation :

*Ordered*, That the memorial be filed for consideration at some future day, when matters of a similar nature may be provided for.

FRIDAY, February 1, 1782.

An ordinance reported by a committee, consisting of Mr. Randolph, Mr. Ellery and Mr. Law, containing instructions to the captains of armed vessels, was read a first time, and Monday next assigned for the second reading.

MONDAY, February 4, 1782.

The ordinance containing instructions to the captains of armed vessels, was taken up for a second reading, and was debated by paragraphs :

The same was continued on Tuesday, and the paragraph relating to prisoners was re-committed, and the further consideration of the ordinance postponed.

THURSDAY, February 7, 1782.

The committee, consisting of Mr. Livermore, Mr. Osgood, Mr. Ellery, Mr. Law, Mr. Floyd, Mr. Clark, Mr. Clymer, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Eveleigh and Mr. Telfair, to whom was referred a report of the superintendant of finance touching the settlement of public accounts, having delivered in a report, the same was taken into consideration, and, after debate, re-committed.

FRIDAY, February 8, 1782.

The secretary for foreign affairs, to whom were referred sundry communications from the hon. the minister plenipotentiary of France, delivered in a report, part of which was agreed to, and the remainder referred to a committee.

MONDAY, February 11, 1782.

On a report of a committee, consisting of Mr. Clymer, Mr. Osgood and Mr. Madison, to whom was referred a letter of February 1st, from the superintendant of finance, Congress came to the following resolution :

Whereas the traders capitulants at York-town in Virginia, by the ninth article of the capitulation, are allowed to dispose of and remove their effects ; and having in consequence thereof made sale of their said effects ; and being thereby empowered to receive and carry off the monies arising therefrom, have applied for permission to export tobacco to the the amount thereof :

*Resolved*, That the secretary of Congress be, and hereby is empowered to grant letters of passport and safe conduct for the exportation of such tobacco to New-York, on the conditions and under the limitations which shall, to the said secretary and to the superintendant of the finances of the United States, appear most proper and beneficial



to the said states, being consistent with the said capitulation: provided always, that permission be not given for the exporting of tobacco, beyond the amount of the produce of the sales of the said goods belonging to the capitulants above-mentioned.

On a report of a committee, consisting of Mr. Clymer, Mr. Osgood and Mr. Madison, to whom was referred a letter of January 30th, from the commander in chief,

*Resolved*, That the clothier-general be, and he is hereby directed to agree for and purchase of the state of Massachusetts, all such clothing as may have been or shall be provided by that state, before the opening of the ensuing campaign; and that he take charge of the said clothing; and that the amount thereof be passed by the United States to the credit of the said state on the requisitions previous to the 30th day of October, 1781.

On a report of a committee, consisting of Mr. Randolph, Mr. Boudinot and Mr. T. Smith, to whom was referred a memorial of James Wilson, in behalf of David Gardner, Nathaniel Fanning, Jeremiah Wells, Selah Havens, James M'Clure and Nathan Woodhull, praying for reasons therein specially set forth, that their appeal against the sentence of the courts of admiralty in the state of Connecticut, may be received:

*Resolved*, That the court of appeals be, and hereby is authorized to hear the parties on the subject of the said memorial, and to do what shall thereupon appear to the said court just and right, the act of the 24th day of May, 1780, notwithstanding.

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WEDNESDAY, February 13, 1782.

On the report of a committee, consisting of Mr. M'Kean, Mr. Boudinot and Mr. Livermore, to whom was referred a report of a committee on a letter of the 22d of August, 1781, from Perez Morton to Mr. Lovell:

*Resolved*, That Michael Hillegas, Esq; treasurer of the United States of America, be, and hereby is directed to execute a letter of attorney, authorizing Perez Morton, at his own risk and expense, to sue and prosecute the obligation executed by John Ravel, mariner, captain or commander of the private sloop of war the Morning Star, Nathaniel Silsbee, merchant, his surety, for the use of the United States; and upon recovering or receiving the penalty thereof, to pay the same, after deducting the necessary charges, into the treasury of the United States, subject to the distribution of Congress, amongst the parties aggrieved at that time by the malversation of the said John Ravel, according to the injuries they may respectively have received; and that the overplus (if any) be retained for the use of the said John Ravel or his said surety.

On a report of a committee, consisting of Mr. Cornell, Mr. Eveleigh and Mr. J. Jones, to whom was referred a letter of 21st of January last, from the governor of Virginia, with the copy of a letter of the 27th of December, 1781, from major-general Greene to the said governor,

*Ordered*, That the superintendant of finance take immediate measures for supplying the army, under the command of major-general



Greene, with salt and rum, and for furnishing such equipments and other supplies as may be necessary for expediting the march of such troops as the commander in chief may order to the support of the southern states.

*Resolved*, That it be earnestly recommended to the executive authority of the state of Virginia, to take decisive and effectual measures to furnish the men and beef required by general Greene in his letter of the 27th of December last.

The consideration of the ordinance containing instructions to captains of private armed vessels, was resumed, and after debate,

*Ordered*, That it be re-committed, and that the committee confer with the agent of marine.

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THURSDAY, February 14, 1782.

Mr. M'Kean, a delegate for the state of Delaware, attended, and produced credentials of the delegates of that state; whereby it appears, that on the second of this month, the honorable Thomas M'Kean, Philemon Dickinson, Caesar Rodney, and Samuel Wharton, Esqrs; were elected for the present year.

Mr. J. M. Scott, a delegate for the state of New-York, attended, and took his seat.

On the report of a committee, consisting of Mr. Randolph, Mr. Bee and Mr. Osgood, appointed to report on the mode of propounding questions,

*Resolved*, That whensoever a motion is made for striking out one or more words in order that something may be inserted in its stead, the debate shall turn upon the propriety of the proposed insertion, and the question shall be "Shall the proposed amendment be made?" That whensoever a motion is made for striking out one or more words, but no proposition is made to insert any thing else, the question shall be upon the words proposed to be struck out, in the following manner, "Shall these words stand?"

A letter, of January 3d, from Charles Fleming, who was on the 7th of October, 1780, appointed on the part of the United States, one of the persons to endorse the bills emitted by Virginia, pursuant to the act of the 18th of March, 1780, was read, informing that it is inconvenient for him to continue in the business, and resigning that appointment.

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MONDAY, February 18, 1782.

On the report of a committee, consisting of Mr. Boudinot, Mr. Cornell and Mr. Osgood, to whom was referred a motion of Mr. Boudinot, to empower the commander in chief to negotiate a cartel or cartels with the enemy for safe keeping, exchanging and better treating of prisoners of war:

*Resolved*, That the commander in chief be, and he is hereby authorized to negotiate a cartel or cartels, either general or special, with the enemy; stipulating for the subsistence, safe keeping, exchanging, liberating, and better treating of all prisoners of war, whether of land or sea, in such manner, and on such terms as he shall judge expedient and beneficial for the United States: to take such measures for the



liberation of citizens who have been captured not in arms, as may seem expedient; or to negotiate any separate treaty concerning such citizens, for the mutual prevention of any future captures: provided such cartel, cartels and agreement, establish rules for the similar treatment of prisoners of war and citizens captured by either power in all cases whatsoever:

That the commander in chief be also empowered to take measures for settling all past accounts respecting prisoners, and that all former resolutions relative to the exchange of prisoners by the commander in chief be repealed.

TUESDAY, February 19, 1782.

Mr. Arthur Lee, a delegate for the commonwealth of Virginia, attended and produced credentials, by which it appears that on the twenty-eighth day of December last, he was appointed to continue until the first Monday in November next.

A letter, of the 15th, from major-general R. Howe, was read, requesting that the proceedings of the general court-martial on his trial, be printed by Congress.

On the question to agree to this request, the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	ay		
	Mr. Cornell,	no	}	divided.
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	ay	}	ay
<i>New-York,</i>	Mr. Scott,	ay		
	Mr. Floyd,	ay	}	ay
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Boudinot,	ay	}	no
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	divided.
	Mr. Atlee,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	divided.
	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. J. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Randolph,	no		
	Mr. Lee,	no		
<i>North-Carolina,</i>	Mr. Hawkins,	ay	}	*
<i>South-Carolina,</i>	Mr. Middleton,	ay		
	Mr. Bee,	ay	}	ay
	Mr. Motte,	ay		
	Mr. Eveleigh,	ay	}	ay
<i>Georgia,</i>	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay	}	ay

So the question was lost.

A motion was then made by the delegates of Georgia,



“ That the delegates of Georgia be furnished with a certified copy of the proceedings of the court-martial on the trial of major-general Howe.”

A motion was made by Mr. Patridge, seconded by Mr. Cornell,

“ That the consideration of that motion be postponed.”

On the question for postponing, the yeas and nays being required by Mr. N. W. Jones,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	}	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>ay</i>		
	Mr. <i>Osgood,</i>	<i>ay</i>	}	<i>ay</i>
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>ay</i>		
	Mr. <i>Cornell,</i>	<i>ay</i>	}	<i>ay</i>
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>ay</i>		
	Mr. <i>Wolcott,</i>	<i>ay</i>	}	<i>ay</i>
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>ay</i>		
	Mr. <i>Floyd,</i>	<i>no</i>	}	<i>divided.</i>
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>ay</i>		
	Mr. <i>Boudinot,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Condict,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>T. Smith,</i>	<i>ay</i>		
	Mr. <i>Atlee,</i>	<i>no</i>	}	<i>ay</i>
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>ay</i>		
	Mr. <i>Carroll,</i>	<i>ay</i>	}	<i>ay</i>
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>ay</i>		
	Mr. <i>Madison,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Randolph,</i>	<i>no</i>		
	Mr. <i>Lee,</i>	<i>no</i>	}	<i>no</i>
<i>North-Carolina,</i>	Mr. <i>Hawkins,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Bee,</i>	<i>no</i>		
	Mr. <i>Motte,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Eveleigh,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>N. W. Jones,</i>	<i>no</i>		

So the question was lost.

After further debate, the previous question was moved by the state of Rhode-Island, seconded by the state of Pennsylvania, and on the question, the previous question was determined in the affirmative, and the main question set aside.

On motion of Mr. Randolph, seconded by Mr. Madison,

*Ordered,* That the proceedings of Congress, approving the sentence of the court-martial on the trial of major-general Howe, be published.

The committee, consisting of Mr. Cornell, Mr. Montgomery and Mr. Clark, to whom was referred a memorial of John Durham Alvey, made report ; whereupon,

*Resolved,* That John Durham Alvey, post-master to the main-army, be allowed for his past services to this day, the sum of 40 dollars per month, in full of all allowances : and that the post-master-general settle his accounts accordingly :



That the post-master-general take order for procuring and appointing a suitable person, on the best terms he can, to serve as post-master to the main-army, and report to Congress.

The committee, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Law, Mr. Floyd, Mr. Boudinot, Mr. Clymer, Mr. Rodney, Mr. Carroll, Mr. Randolph, Mr. Hawkins, Mr. Middleton, Mr. Telfair, to whom was referred the report of a committee on fundry papers relative to the people inhabiting the district of country known by the name of the New-Hampshire Grants, together with a representation of Seth Smith, and a letter of the 20th of January, from Jonas Fay and Ira Allen, having delivered in a report, the same was taken into consideration, and some time spent thereon.

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*WEDNESDAY, February 20, 1782.*

The committee, consisting of Mr. Clark, Mr. Cornell and Mr. M'Kean, to whom were referred the report of the secretary at war, on a petition of Dr. Hagan, and the memorials of Dr. Jackson, Dr. Williams, Dr. Eaker and Dr. Frinke, delivered in a report; whereupon,

*Resolved*, That the comptroller be, and he is hereby authorized and directed to adjust the accounts of all the officers of the late general-hospital for pay and subsistence, up to the time the arrangement took place in September, 1780, or for so much of the preceding time as they continued in service upon their producing proper documents of the time of their respective services.

*Resolved*, That it be, and hereby is recommended to the legislatures of the several states, to settle and discharge on account of the United States, the depreciation of pay of such officers in the late general-hospital as are inhabitants of or belonging to their respective states, who resigned their appointments after the 10th day of April, 1780, or became supernumerary by the new arrangement in September, 1780.

*Resolved*, That the comptroller be, and he is hereby authorized and directed to settle the depreciation of pay of officers in the late general-hospital, who resigned or became supernumerary as aforesaid, and who do not belong to any particular state, in the same manner as hath been provided for the officers of the late colonel Hazen's regiment.

*Ordered*, That the account of Dr. Frinke, for taking care of the sick and wounded in the retreat from Ticonderoga, in 1777, and for furnishing supplies for the same, be returned to Dr. Frinke, and the settlement suspended until authentic vouchers shall be produced respecting such services and expenditures.

The committee, consisting of Mr. Clymer, Mr. Livermore, Mr. Osgood, Mr. Ellery, Mr. Law, Mr. Floyd, Mr. Clark, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Eveleigh and Mr. Telfair, to whom was referred the report of a committee on a letter from the superintendant of finance, and a plan for the settlement of public accounts, delivered in a report, which was taken into consideration; and, thereupon,

Congress agreed to the following resolutions:

Whereas it is become indispensably necessary to settle and adjust, and finally to determine the proportions to be borne by the several states of the expenses of the war, from the commencement thereof until the first day of January, 1782, except the monies loaned:



And whereas, from the present situation of some of the states, the rule for fixing such proportions agreeably to the articles of confederation, to wit, a valuation of lands, buildings and improvements, cannot, with any degree of certainty, be proceeded on : and as from a consideration of the states having been variously affected by the war, the said rule, upon a valuation hereafter to be taken, might not, if strictly adhered to, without proper allowances for particular circumstances, produce the equal justice so desirable in this important object :

In order, therefore, that the aforesaid expenses may be proportioned in a speedy and equitable manner,

*Resolved*, That it be earnestly recommended to the several legislatures of the respective states, without delay, to authorize and empower the United States in Congress assembled in the final settlement of the proportions to be borne by each state, of the general expenses of the war from the commencement thereof until the first day of Jan. 1782, except the monies loaned to the United States, (for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the third day of Feb. 1781,) to assume and adopt such principles as, from the particular circumstances of the several states, at different periods, may appear just and equitable, without being wholly confined to the rule laid down in the eighth article of the confederation, in cases where the same cannot be applied without manifest injustice :

That it be recommended to the states respectively to obtain and transmit to Congress as soon as may be, all such documents and information as they may judge most proper, to assist the judgment of Congress in forming just estimates of the value and abilities of each state at the close of every year within the aforesaid term, in order to settle the proportions before-mentioned.

*Resolved*, That upon settling the annual proportions of the several states, of the expenses of the war, up to the first day of Jan. 1782, where any of the states have exceeded their proportions, an interest of six per centum per annum, shall be allowed thereon, and a deduction equal thereto made in the future annual proportions of those states ; and where any states shall appear to have been deficient in advancing their proportions, a like interest shall be charged thereon, and such deficiency charged in the future proportions of such states.

And whereas it is necessary to make a settlement of all accounts between the United States, and each particular state, and the creditors of the United States within the same,

*Resolved*, That a commissioner for each state for the purposes herein after expressed, be appointed as follows : he shall be nominated by the superintendant of the finances of the United States, and approved of by the legislature or the executive of the particular state, for which he shall have been nominated ; and upon the death, refusal or inability to act, of such commissioner, another person to supply his place shall be nominated by the superintendant of the finances, and approved of by the executive or the delegates attending in Congress of the state for which he shall be nominated, as the legislature of the state shall direct : that the said commissioner so appointed, shall have full power and authority finally to settle the accounts between the state for



which he shall have been nominated, and the United States; that all accounts of monies advanced, supplies furnished or services performed, between the United States and a particular state, shall be estimated according to the table of depreciation framed by the board of treasury on the 29th day of July, 1780, in consequence of the resolution of the 28th day of June preceding, to the time the same is extended: provided always, that specific supplies furnished pursuant to requisitions of Congress, shall be settled agreeably to the prices mentioned in such requisitions: that he be also fully empowered and directed to liquidate and settle in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States by individuals for supplies furnished the army, the transportation thereof and contingent expenses thereon, within the said state, according to the principles of equity and good conscience, in all cases which are not or shall not be provided for by Congress.

That the said commissioner, in the various branches of duty herein directed, shall in such matters of form as regard merely the stating of his accounts, proceed agreeably to rules to be prescribed to him by the comptroller of the treasury; but in all other matters and things concerning the settlement with individual states, according to such modes and principles as Congress have directed or shall direct:

That each of the said commissioners be allowed a salary of 1500 dollars per annum, and that he appoint his necessary clerks, with the salary of 500 dollars per annum each, for the time they shall severally be employed in this service, which shall be in full for all services and expenses.

That the said commissioners respectively give public and early notices of the times and places of their settling, and the districts within which they settle accounts, that as well the public officers as the private individuals may have an opportunity to attend:

That each commissioner before he enter upon the business for which he is appointed, shall take the following oath:

"I, A. B. do solemnly swear that I will truly and faithfully execute the office of commissioner to which I am appointed, according to my best skill and judgment, without favour or affection. So help me God."

That each clerk at his appointment, shall also take an oath, truly and faithfully to execute the duties of his office, according to the best of his skill and understanding: and that certificates of these oaths be filed in the secretary's office of the state.

And it is hereby further recommended to the several legislatures of the respective states, to grant the commissioner, by a law to be enacted for that purpose, a power to call witnesses, and examine them upon oath or affirmation, touching such claims and accounts as shall be produced for liquidation and settlement.

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THURSDAY, February 21, 1782.

On the report of a committee of the states, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Wolcott, Mr. Floyd, Mr. Clark, Mr. Clymer, Mr. Carroll, Mr. J. Jones, Mr. Hawkins, Mr. Middleton, Mr. Telfair, to whom was referred a letter of the 15th



of January from the superintendant of finance, touching the establishment of a mint :

*Resolved*, That Congress approve of the establishment of a mint ; and that the superintendant of finance be, and hereby is directed to prepare and report to Congress a plan for establishing and conducting the same.

FRIDAY, February 22, 1782.

Mr. Philemon Dickinson, a delegate for the state of Delaware, attended and took his seat.

On the report of a committee, consisting of Mr. Ellery, Mr. Randolph, and Mr. Eveleigh, to whom was referred a letter of the 25th of January, from the secretary for foreign affairs, respecting his department,

*Resolved*, That the department of foreign affairs be under the direction of such officer, as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be stiled, "secretary to the United States of America, for the department of foreign affairs ;" shall reside where Congress or a committee of the states shall sit, and hold his office during the pleasure of Congress :

That the books, records and other papers of the United States, that relate to this department, be committed to his custody, to which and all other papers of his office, any member of Congress shall have access : provided that no copy shall be taken of matters of a secret nature without the special leave of Congress :

That the correspondence and communications with the ministers, consuls, and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department : provided always, that letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted :

That the secretary for the department of foreign affairs correspond with the governors or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States, stating complaints that may have been urged against the government of any of the said states, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such state, or the charge proved to be groundless, and the honor of the government vindicated :

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject, and if he conceives it necessary, accompany such memorial with his report



thereon: he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions:

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary:

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction, he may at all times attend upon Congress, and shall particularly attend when summoned or ordered by the president:

He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member and no objection be made by Congress: he shall answer to such enquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the president at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the secretary, be delivered by him in writing:

He shall have free access to the papers and records of the United States, in the custody of their secretary, or in the offices of finance and war or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary:

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States:

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded:

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts, may govern themselves thereby in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or if necessary more clerks, to assist him in the business of his office.

*Resolved*, That the salaries annexed to this department shall be as follows:

To the secretary of the United States for the department of foreign



affairs, the sum of 4000 dollars per annum, exclusive of office expenses, to commence from the 1st day of October last :

To the secretary 1000 dollars per annum :

To the clerks each 500 dollars per annum.

*Resolved*, That the secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before a judge of the state where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States before they enter upon office.

*Resolved*, That the act of the 10th day of January, 1781, respecting the department of foreign affairs be, and hereby is repealed.

SATURDAY, February 23, 1782.

On motion of Mr. Boudinot, seconded by Mr. Clark,

*Ordered*, That the resolution of the 19th, respecting the pay of John Durham Alvey, be re-considered :

*Resolved*, That John Durham Alvey, post-master to the main-army, be allowed for his past services to this day, the sum of 40 dollars per month in full of all allowances, except the rations of forage and provisions received by him ; and that the post-master-general settle his accounts accordingly.

On the report of the secretary for foreign affairs, to whom was referred a letter of the 6th of October, 1781, from Robert Smith, agent at the Havannah, so far as relates to the sending blank commissions to be filled up by him for the purpose of commissioning with letters of marque or general reprisals, such vessels sailing from the Havannah as might require the same :

*Resolved*, That the secretary for foreign affairs, be, and hereby is directed to inform Robert Smith, that the United States in Congress assembled, do not at present think it expedient that he issue any letters of marque or of general reprisals, under their authority.

A committee, consisting of Mr. Boudinot, Mr. Cornell and Mr. Bee, to whom were referred a letter of the 18th and one of the 20th of February, from general Washington, having delivered in a report :

A motion was made by Mr. Middleton, seconded by Mr. Telfair, in the words following :

“ In order to prevent future controversy upon the subject of exchange, that Congress who represent the feelings as well as the sense of the union, do declare that lieutenant-general Charles earl Cornwallis ought not to be exchanged by composition at this time, not from any apprehensions of his influence or superior abilities ; but because they look upon him not in the light of a British general, but a barbarian. In proof of their justice for classing him in so degrading a predicament, they appeal to the impartial history of his conduct during his command in the southern and middle states, where his progress may be traced by blood wantonly spilt, by executions unwarranted even by military regulations, and by the indiscriminate plunder of the property and destruction of the habitations of the widow and the orphan, circumstances disgraceful to the arms of any enlightened people : because he has governed himself solely upon the principles of eastern tyranny, has broken the faith of treaty solemnly pledged in



the capitulation of Charleston, by ordering the seizure of the property and persons of the capitulants, by the confinement of some on board of prison-ships, the transportation of others to St. Augustine, and the banishment of their wives and children: because he has authorized and countenanced the enlistment of upwards of 500 American soldiers into the British service, or rather suffered them to be compelled by cruelties and hard usage to take arms against their country, and in numberless other instances has infringed every rule of war established among civilized nations: that it be also resolved, that unless the honorable Henry Laurens, Esq; be enlarged within            months, upon his parole until exchanged, the commander in chief be directed to recall the said Charles earl Cornwallis: that unless the accounts for the maintenance of prisoners be settled, the arrearages paid up and security given for their future maintenance, the British prisoners be compelled to work for their livelihood, or otherwise disposed of for the public benefit."

On this the previous question was moved by the state of New-Jersey, and seconded by the state of Pennsylvania: and on the question to agree to the previous question, the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	ay	}	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	ay		
	Mr. <i>Osgood,</i>	ay	}	ay
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	ay		
	Mr. <i>Cornell,</i>	ay	}	ay
<i>Connecticut,</i>	Mr. <i>Law,</i>	ay		
	Mr. <i>Wolcott,</i>	ay	}	ay
<i>New-York,</i>	Mr. <i>Scott,</i>	no		
	Mr. <i>Floyd,</i>	ay	}	divided.
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	ay		
	Mr. <i>Boudinot,</i>	ay	}	ay
	Mr. <i>Condict,</i>	ay		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	}	ay
	Mr. <i>T. Smith,</i>	ay		
	Mr. <i>Clymer,</i>	ay		
	Mr. <i>Atlee,</i>	ay		
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	ay	}	*
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay		
	Mr. <i>Carroll,</i>	ay	}	ay
<i>Virginia,</i>	Mr. <i>Madison,</i>	ay		
	Mr. <i>Randolph,</i>	ay	}	ay
	Mr. <i>Lee,</i>	no		
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	no	}	no
	Mr. <i>Bee,</i>	no		
	Mr. <i>Motte,</i>	no		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	no	}	no
	Mr. <i>N. W. Jones,</i>	no		

So it passed in the affirmative.

On motion of Mr. Clark, seconded by Mr. Boudinot,

*Resolved,* That the commander in chief be, and he is hereby authorized to agree to the exchange of lieutenant-general earl Corn-



wallis, by composition ; provided that the honorable Henry Laurens, Esq; shall be liberated and proper assurances obtained, that all accounts for the support of the convention prisoners, and all other prisoners of war, shall be speedily settled and discharged.

MONDAY, February 25, 1782.

Mr. Samuel Wharton, a delegate for the state of Delaware, attended, and took his seat.

On the second reading of an ordinance for amending the ordinance, ascertaining what captures on water shall be lawful ; which was reported by a committee, consisting of Mr. M'Kean, Mr. Clymer, Mr. Ellery, to whom was referred a memorial of the merchants and traders of Philadelphia :

The following paragraph being under debate, viz.

“ That no ship or other vessel which shall have sailed from any port or place in Europe, not belonging to the king of Great-Britain, on or before the — next, for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation, merely for having on board goods, wares, or merchandize of the growth, product or manufacture of Great-Britain, or of any territory depending thereon.”

A motion was made by Mr. Montgomery, seconded by Mr. Patridge, that the blank be filled with the words, “ first day of May,”

On which the yeas and nays being required by Mr. Montgomery,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	ay	>	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	ay	}	ay
	Mr. <i>Osgood,</i>	ay		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	ay	>	*
<i>Connecticut,</i>	Mr. <i>Law,</i>	no	}	divided.
	Mr. <i>Wolcott,</i>	ay		
<i>New-York,</i>	Mr. <i>Scott,</i>	no	}	divided.
	Mr. <i>Floyd,</i>	ay		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	no	}	no
	Mr. <i>Boudinot,</i>	no		
	Mr. <i>Condict,</i>	no		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	}	ay
	Mr. <i>T. Smith,</i>	no		
	Mr. <i>Clymer,</i>	ay		
	Mr. <i>Atlee,</i>	ay		
<i>Delaware,</i>	Mr. <i>M'Kean,</i>	ay	}	ay
	Mr. <i>Dickinson,</i>	ay		
	Mr. <i>Wharton,</i>	ay		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	no	}	no
	Mr. <i>Carroll,</i>	no		
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	no	}	no
	Mr. <i>Madison,</i>	no		
	Mr. <i>Randolph,</i>	no		
	Mr. <i>Lee,</i>	no		
<i>North-Carolina,</i>	Mr. <i>Hawkins,</i>	no	>	*



<i>South-Carolina,</i>	Mr. Middleton,	no	} no
	Mr. Motte,	no	
	Mr. Eveleigh,	ay	
<i>Georgia,</i>	Mr. Telfair,	no	} *

So it passed in the negative.

A motion was made by Mr. Ellery, seconded by Mr. Wolcott, that the blank be filled up with the words "fourteenth day of April,"

On which the yeas and nays being required by Mr. Ellery,

<i>Massachusetts,</i>	Mr. Patridge,	ay	} divided.
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} *
<i>Connecticut,</i>	Mr. Law,	no	
	Mr. Wolcott,	ay	} divided.
<i>New-York,</i>	Mr. Scott,	ay	
	Mr. Floyd,	ay	} ay
<i>New-Jersey,</i>	Mr. Clark,	no	
	Mr. Boudinot,	ay	} no
	Mr. Condict,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Smith,	ay	
	Mr. Clymer,	ay	
	Mr. Atlee,	ay	
<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Mr. Dickinson,	ay	
	Mr. Wharton,	ay	
<i>Maryland,</i>	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
<i>Virginia,</i>	Mr. J. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Randolph,	no	
	Mr. Lee,	no	
<i>North-Carolina,</i>	Mr. Hawkins,	no	} *
<i>South-Carolina,</i>	Mr. Middleton,	no	
	Mr. Eveleigh,	ay	} divided.
<i>Georgia,</i>	Mr. Telfair,	ay	

So it passed in the negative.

A motion was made by Mr. Randolph, to strike out the following clause in the said ordinance, viz.

"That where vessels, their cargoes or any part thereof belonging to any citizen of these United States, sailing or being within the body of a county, or within any river or arm of the sea, or within cannon shot of the shore, shall be captured by the enemy, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy."

And on the question, shall the clause stand? The yeas and nays being required by Mr. M'Kean,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	} *
<i>Massachusetts,</i>	Mr. Patridge,	no	
	Mr. Osgood,	ay	



Rhode-Island, Connecticut,	Mr. Ellery,	ay	}	no
	Mr. Law,	no		
	Mr. Wolcott,	no		
New-York,	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
New-Jersey,	Mr. Clark,	no	}	no
	Mr. Boudinot,	no		
Pennsylvania,	Mr. Montgomery,	ay	}	ay
	Mr. Clymer,	ay		
	Mr. Atlee,	ay		
Delaware,	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	ay		
Maryland,	Mr. Hanson,	ay	}	divided.
	Mr. Carroll,	no		
Virginia,	Mr. J. Jones,	ay	}	divided.
	Mr. Madison,	no		
	Mr. Randolph,	no		
	Mr. Lee,	ay		
South-Carolina,	Mr. Middleton,	ay	}	ay
	Mr. Motte,	ay		
	Mr. Eveleigh,	no		
Georgia,	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it passed in the negative.

The second reading being gone through,

*Ordered*, That the ordinance be read a third time to-morrow.

— \* —

TUESDAY, February 26, 1782.

The ordinance being read a third time, was agreed to as follows :

*An ordinance for further amending the ordinance, ascertaining what captures on water shall be lawful.*

Whereas divers ships or vessels belonging to the citizens of several of these United States, may have sailed on voyages to Europe, before the publication of the ordinance, entitled "an ordinance ascertaining what captures on water shall be lawful," where they, as well as vessels belonging to the subjects of neutral powers may have laden and taken on board, in promiscuous cargoes, goods, wares and merchandizes of the growth, product or manufacture of Great-Britain, or of some of the dominions or territories thereon depending, without any knowledge of the said ordinance and may not be able to arrive in any of the ports of these states, on or before the first day of March next ; whereby the said goods may become liable to capture and condemnation.

For remedy whereof, it is hereby ordained by the United States in Congress assembled, that no ship or other vessel, which shall have sailed from any port or place in Europe, not belonging to the king of Great-Britain, on or before the 10th day of April next, for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation, merely for having on board goods, wares or other merchandizes of the growth, product or manufacture of Great-Britain, or of any territory depending thereon.



And it is hereby further ordained, that where vessels, their cargoes, or any part thereof, belonging to any citizen of these United States, sailing or being within the body of a county or within any river or arm of the sea, or within cannon shot of the shore of any of these states, and laded with the produce of the country, and destined for a port or place within these states, not in possession of the enemy, shall be captured by the enemy, and shall be re-captured below high-water mark by another citizen thereof, restitution shall be made to the former owner, upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy.

And be it further ordained, that so much of the aforesaid ordinance as comes within the purview of this, be, and hereby is repealed.

Done by the United States in Congress assembled, &c. &c.

— ❁ —

*WEDNESDAY, February 27, 1782.*

A letter, of the 23d, from the secretary for foreign affairs was taken into consideration; and, thereupon,

*Resolved*, That the secretary of the United States of America for the department of foreign affairs, be, and he is hereby empowered to settle the wages of the two persons who have hitherto been employed as secretaries or clerks in his office, for the time they have served, at the rate of 750 dollars per annum each.

*Ordered*, That the remainder of the letter, touching the appointment of two under secretaries instead of a secretary, be committed.

On the report of a committee, consisting of Mr. Randolph, Mr. Lovell, Mr. Montgomery, to whom was referred a letter of the 22d of November last, from the secretary for foreign affairs, relative to Mr. John Temple:

*Resolved*, That the president inform the governor and council of the commonwealth of Massachusetts, that matters of public concern and the pressing necessity of making provision for the ensuing campaign, have hitherto prevented Congress from attending to a subject, which though it respects an individual, may have an influence on the public affairs of these United States.

The suspicions and jealousies excited by Mr. John Temple's return to America in 1778, and the reports currently circulated in England relative to his mission, are notorious. The time and manner of his coming to America, as well as the person accompanying him, who is now resident in and a subject of Great-Britain, gave great force to the suspicions then raised. These suspicions instead of being allayed were increased by Mr. Temple's return to England, and by the rumours and publications respecting his intercourse and conference with the British ministry. His coming again to America without explaining his views, and as far as is come to the knowledge of Congress without any leave previously obtained, and this at the very time when the enemy entertained the fond hope of having subdued the southern states, cannot fail to excite new jealousies and a suspicion of his being employed as an emissary from the British crown.

That the president further inform the governor and council of Massachusetts, that although Mr. Temple was the bearer of some letters



from the honorable John Adams at Amsterdam, yet the subject of the letters with which he was entrusted, and of those which Mr. Adams chose to send at the same time by another conveyance, sufficiently evince that he had not the full confidence of that minister; and that the letter which Mr. Adams took the trouble of writing respecting Mr. Temple, did in no wise account for his past conduct or explain his future views or designs. And therefore as the United States ought to be on their guard, as well against the secret arts, as open force of their subtle and inveterate enemy, that it is the wish of Congress that the executive of Massachusetts would enquire strictly into the conduct, views and designs of Mr. John Temple, and if they are not fully convinced of the uprightness of his intentions, or if they have any apprehensions that he has in his visits to America, been countenanced or employed by, or has acted in concert with the British ministry or their agents, that they take such measures respecting him as may put it out of his power to injure the cause of these United States.

On the report of a committee, consisting of Mr. Cornell, Mr. Montgomery and Mr. Madison, to whom was referred a letter of the 18th from the superintendant of finance:

*Resolved*, That five commissioners be appointed for the settlement of accounts under the direction of the superintendant of the finances, namely, one for the quarter-master's department, one for the commissary's department, one for the hospital-department, one for the clothe's department, and one for the marine-department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively assigned to them, up to the last day of December, 1781, inclusive:

That the superintendant of finance be, and he is hereby authorized and directed to appoint the said five commissioners; and that he report the names of the same to Congress, in order that they may disapprove such appointment if they shall think proper:

That each of the said commissioners be allowed one clerk for his assistance in the execution of his trust, and in case more should be found necessary, that he be authorized to add such number as the superintendant of finance shall approve.

That a salary be allowed to each of the said commissioners, at the rate of 1500 dollars per annum, during the time in which he shall be employed in the duties assigned to him; and that each clerk be allowed a salary, at the rate of 500 dollars per annum during the time of his service, to be in full to each of them for their services and expenses:

That it be recommended to the several legislatures of the states, to empower the said commissioners to call for witnesses and examine them on oath or affirmation touching such accounts as are respectively assigned to them for settlement; and that it be also recommended to the said legislatures, to make provision by law for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

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FRIDAY, March 1, 1782.

On the report of a committee, consisting of Mr. Dickinson, Mr.



Carroll, Mr. Patridge, to whom was referred a letter of the 27th of February from the secretary for foreign affairs :

*Resolved*, That so much of the resolutions of the 22d of February last, as authorizes the secretary for foreign affairs to appoint a secretary, and annexes to that office the salary of 1000 dollars per annum, be, and hereby is repealed ; and that the secretary for foreign affairs be, and he is hereby empowered to appoint until the further order of Congress, two under secretaries ; and that the first under secretary be allowed 800 dollars per annum, and the second under secretary 700 dollars per annum.

The grand committee, consisting of Mr. Livermore, Mr. Patridge, Mr. Cornell, Mr. Law, Mr. Floyd, Mr. Boudinot, Mr. Clymer, Mr. Rodney, Mr. Carroll, Mr. Randolph, Mr. Hawkins, Mr. Middleton and Mr. Telfair, to whom was re-committed their report on sundry papers respecting the inhabitants of a district of country known by the name of the New-Hampshire Grants, together with a representation, of Seth Smith, and a letter of the 30th of January from Jonas Fay and Ira Allen, having delivered in a report, and the following paragraph being under consideration, viz.

“ That in case the inhabitants residing within the limits aforesaid, within one calendar month from the delivery of a certified copy of these resolutions by the commissioner herein after mentioned, to Thomas Chittenden, Esq; of the town of Bennington, within the limits aforesaid, or from the time of the said commissioner's leaving such certified copy at the usual place of residence of the said Thomas Chittenden, Esq; shall by some authenticated act recognize the last above described boundaries to be the limits and extent of their claim, both of jurisdiction and territory, and shall accede to the articles of confederation and perpetual union between the states of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, as agreed to in Congress on the 15th day of November, 1777 ; and shall thereupon appoint delegates in their behalf, with full powers, instructions and positive orders immediately to repair to Congress, and to sign the said articles of confederation, and afterwards to represent them in the United States in Congress assembled, their said delegates shall be admitted to sign the same, and thereupon the inhabitants of the above described district shall be acknowledged a free, sovereign and independent state, and shall be considered as a component part of the federal union, and entitled to the advantages thereof.”

A motion was made by Mr. Wolcott, seconded by Mr. Ellery, to strike out the words between the words “ inhabitants residing within,” and the word “ accede ;” and in lieu thereof to insert “ or belonging to the territory commonly known by the name of the New-Hampshire Grants, or by whatsoever name it may be called, west of Connecticut river, and to the eastward of the boundary conditionally guaranteed by the resolution of the 20th of August last, in favour of the state of New-York.”

And on the question to agree to this amendment, the yeas and nays being required by Mr. Wolcott,



<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay		
	Mr. Cornell,	ay	}	ay
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	ay	}	ay
<i>New-York,</i>	Mr. Scott,	no		
	Mr. Floyd,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	ay		
	Mr. Boudinot,	ay	}	ay
	Mr. Conduct,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. T. Smith,	no		
	Mr. Atlee,	no	}	no
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	no		
	Mr. Dickinson,	no	}	no
	Mr. Wharton,	no		
<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. J. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Randolph,	no	}	no
	Mr. Lee,	no		
<i>North-Carolina,</i>	Mr. Hawkins,	no	}	*
<i>South-Carolina,</i>	Mr. Middleton,	no		
	Mr. Motte,	no	}	no
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it passed in the negative.

A motion was then made by Mr. Scott, seconded by Mr. Floyd, to strike out the whole resolution. And on the question, shall the resolution stand? The yeas and nays being required by Mr. Floyd,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay		
	Mr. Cornell,	ay	}	ay
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Scott,	no		
	Mr. Floyd,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	ay		
	Mr. Boudinot,	ay	}	ay
	Mr. Conduct,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Atlee,	no	}	ay
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay		
	Mr. Dickinson,	ay	}	ay
	Mr. Wharton,	ay		



<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Carroll,</i>	<i>ay</i>	
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Madison,</i>	<i>no</i>	
	Mr. <i>Randolph,</i>	<i>no</i>	
	Mr. <i>Lee,</i>	<i>no</i>	
<i>North-Carolina,</i>	Mr. <i>Hawkins,</i>	<i>no</i>	} *
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>no</i>	
	Mr. <i>Motte,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Eveleigh,</i>	<i>no</i>	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>N. W. Jones,</i>	<i>no</i>	

So the question was lost.

A motion was then made by Mr. Clark, seconded by Mr. Atlee, that the rest of the report be committed; which is as follows:

Congress having resolved on the 7th day of August last, that in case they should recognize the independence of the people of Vermont, they would consider all the lands belonging to New-Hampshire and New-York, respectively, lying without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation; and that the United States will accordingly guarantee such lands and the jurisdiction over the same, against any claim or incroachments from the inhabitants of Vermont aforesaid: and Congress having, on the 20th day of the same month required as an indispensable preliminary to their cognition of the independence of the people inhabiting the territory aforesaid, and their admission into the federal union, the explicit relinquishment of all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the north-west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river so far as the said river runs north-easterly in its general course; thence by the west bounds of the townships, granted by the late government of New-Hampshire, to the river running from Southbay to Lake-Champlain; thence along the said river to Lake-Champlain; thence along the waters of Lake-Champlain to the latitude of forty-five degrees north, excepting a neck of land between Missiskoy-Bay and the waters of Lake-Champlain. And the people inhabiting the territory aforesaid, not having as yet made the relinquishment aforesaid as above required, and attempting since the date of the above resolutions to extend and establish their jurisdiction over part of the lands guaranteed to the states of New-York and New-Hampshire aforesaid; and it being indispensably necessary to bring all disputes respecting the jurisdiction of the people residing within the territory aforesaid to a speedy issue:

*Resolved,* That the district of territory, commonly known by the name of the New-Hampshire Grants, by whatsoever name it may be called, is and shall be bounded westward by a line beginning at the northwest corner of the state of Massachusetts, thence running northward twenty miles east of Hudson's river, so far as the said river runs north-easterly in its general course; thence to the west boundary-line of the townships granted by the late government of New-Hampshire;



thence northward along the said west boundary-line, to the river running from Southbay to Lake-Champlain; thence along the said river to Lake-Champlain; thence along the waters of Lake-Champlain to latitude forty-five degrees north, including a neck of land between the Miskoy-Bay and the waters of Lake-Champlain; thence it shall be bounded north by latitude forty-five degrees north, and eastward by the west bank of Connecticut river, from forty-five degrees north to the northern boundary-line of the state of Massachusetts, and southward by the said northern boundary of the state of Massachusetts from the said west bank of Connecticut river, to the northwest corner of Massachusetts above-mentioned.

*Resolved*, [Here followed the resolution which was struck out.]

*Resolved*, That in case the said inhabitants, within the above-described district do not desist from attempting to exercise jurisdiction over the lands guaranteed to New-Hampshire and New-York as aforesaid, and shall not, within the time limited as aforesaid, comply with the terms specified in the foregoing resolutions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States, and that all the pretensions and applications of the said inhabitants, heretofore made for admission into the federal union, were fallacious and delusive; and that thereupon the forces of these states shall be employed against the said inhabitants within the district aforesaid, and Congress will consider all the lands within the said territory to the eastward of a line drawn along the summit of a ridge of mountains or heights of land, extending from south to north, throughout the said territory, between Connecticut river on the east, and Hudson's river and Lake-Champlain on the west, as guaranteed to New-Hampshire under the articles of confederation, and all the lands within the said territory to the westward of the said line as guaranteed to New-York under the articles of confederation: provided always, that Congress will consider any other partition, which shall, hereafter, by an agreement between the legislatures of New-Hampshire and New-York, be made between their respective states, concerning the territory aforesaid, as guaranteed to them according to such agreement, saving, in either case, all rights accruing to the state of Massachusetts, or any other state under the articles of confederation aforesaid: and provided always, that for the more effectually quietting the minds of the inhabitants aforesaid, the said states of New-Hampshire and New-York respectively, shall pass acts of indemnity and oblivion, in favour of all such persons as have at any time previous to the passing such acts, acted under the authority of Vermont so called, in any manner whatsoever, upon such persons submitting to the jurisdiction of the said states respectively: and provided always, that the said states of New-York and New-Hampshire, respectively, do pass acts confirming and establishing the titles of all persons whatever, to such lands as they do now actually occupy and possess within the limits of the district aforesaid, under whatever title the same may be held, either from New-York, New-Hampshire or Vermont so called: and also for confirming and establishing the titles of all persons whatever, to such lands within the district aforesaid, as they may be entitled to under grants from New-York, New-Hampshire or Vermont so called, according to the propriety of such grants in point of



time, excepting in such cases where the lands are in the actual occupancy and possession of the claimants, as mentioned in the proviso above-said. But inasmuch as some persons claiming in right of grants made under the authority of the district or territory called Vermont, and not actually occupying the same, may be deprived thereof by the interference of other prior grants:

*Resolved*, That in case the partition aforesaid shall take place, any person claiming and deprived as aforesaid, his or her assignee or representative shall receive full compensation in lands or otherwise, to be provided by Congress.

*Resolved*, That it be, and it is hereby earnestly recommended to the states of New-Hampshire and New-York respectively, to pass acts of oblivion and indemnity, in favour of all such persons, residing without the limits of the district above described, who shall heretofore have taken part with the inhabitants residing within the same, against the governments of either of those states, upon such persons, quietly and peaceably submitting themselves to the government, and jurisdiction of such state respectively, to which they belong.

*Resolved*, That in case of the neglect or refusal of the inhabitants residing within the district aforesaid, to comply with the terms prescribed in the resolutions aforesaid, the commander in chief of the armies of these United States, do without delay or further order carry these resolutions as far as they respect his department into full execution.

*Resolved*, That a commissioner be appointed on the part of these United States, whose duty it shall be immediately to repair to the district aforesaid, and deliver a certified copy of these resolutions to Thomas Chittenden, Esq; of the town of Bennington aforesaid, or leave such copy at his usual place of residence; and also to enforce on the inhabitants of the said district, the necessity of their complying without delay with the terms above prescribed by Congress, or submitting themselves peaceably to the jurisdiction of the states of New-Hampshire and New-York, agreeably to the above resolutions.

On the question for committing, the yeas and nays being required by Mr. Boudinot,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		*
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	divided.
	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Boudinot,	ay		
	Mr. Conduct,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Atlee,	ay		
<i>Delaware,</i>	Mr. M'Kean,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	ay		



Maryland,	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
Virginia,	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Randolph,	ay	
	Mr. Lee,	ay	
North-Carolina,	Mr. Hawkins,	no	} *
South-Carolina,	Mr. Middleton,	no	
	Mr. Bee,	no	} no
	Mr. Motte,	no	
	Mr. Eveleigh,	no	
Georgia,	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So the question was lost.

MONDAY, March 4, 1782.

On a report of a committee, consisting of Mr. Lee, Mr. Scott and Mr. Bee, to whom was referred a letter of the 27th of February, from the secretary for foreign affairs :

*Resolved*, That the secretary for foreign affairs have permission to be absent from the public service, for the time requested in his letter of the 27th of February last.

WEDNESDAY, March 6, 1782.

On a report from the war-office, on a memorial of Peter Gansevoort, Esq; late a colonel of the New-York line, in the service of the United States :

*Resolved*, That colonel Gansevoort be informed that although Congress have a high sense of his military abilities and courage, particularly displayed in the defence of Fort-Schuyler, in 1777, yet it is impracticable with the present arrangement of the army, to reinstate him therein, without manifest injury to other officers, he having been deranged as a junior colonel of that line, and his regiment incorporated agreeably to the principles prescribed in the resolution of Congress of the 3d and 21st of October, 1780.

THURSDAY, March 7, 1782.

On report of a committee, consisting of Mr. Lee, Mr. Law and Mr. Scott, to whom were referred two letters from the secretary for foreign affairs, enclosing a memorial from the honorable the minister of France, and sundry papers relative to the case of the ship Resolution's cargo, part of which was adjudged lawful prize by the sentence of the court of appeals ; and the case of the brig Eersten and her cargo, which was also adjudged lawful prize, by the said court :

*Resolved*, That where sentence hath been or shall be given in the court of appeals, it shall be lawful for any one of the said court in his discretion upon new matter shewn, to stay execution so long as may seem necessary, not exceeding the 1st day of their next session.

FRIDAY, March 8, 1782.

On a report of a committee, consisting of Mr. Montgomery, Mr.



Cornell and Mr. Motte, to whom was referred a report from the war-office, on a memorial of James Elliot :

*Resolved*, That captain James Elliot be, and he is hereby appointed an assistant geographer to the United States, and that his pay be two dollars and one ration per day ; and that this allowance be considered in full for all claims, that the said captain James Elliot may have on the United States for half-pay, or any other emolument after the war, agreeably to his proposal.

*Ordered*, That Mr. Randolph have leave of absence.

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MONDAY, March 11, 1782.

On a report of a committee, consisting of Mr. Montgomery, Mr. Osgood and Mr. Bee, to whom was referred a letter of the 27th of February, from the post-master-general :

*Resolved*, That John Durham Alvey, appointed by the post-master-general with the main-army, be, and he is hereby entitled to receive from the pay-master-general, on a warrant from the commander in chief, the sum of 35 dollars per month for his services, and that he shall also be entitled to one ration per day :

The said committee having reported an ordinance for regulating the post-office, the same was read a first time, and Thursday next was assigned for a second reading.

The committee, consisting of Mr. Lee, Mr. Scott and Mr. Bee, to whom was referred a letter of the 26th of February, from the secretary for foreign affairs, report,

“ That the secretary for foreign affairs should be directed to draw up a memorial, on the subject of the prize-money due to the officers and crews of the *Bon Homme Richard* and the *Alliance* frigate, in the hands of the *sieur le Ray de Chaumont* in Paris, and to request of the minister of France to transmit the same, with the vouchers to support it, to his court ; and obtain the interposition of his court to have immediate justice done to the claimants, by the payment of the prize-money into the hands of the consul-general of these United States in France, for the use of and to be distributed among the said officers and crews, agreeably to the rules of the navy of the United States ; and that the secretary for foreign affairs do write to the consul of the United States in France, to exert himself in obtaining justice for the claimants.”

On the question, Congress agreed to the said report.

The committee, consisting of Mr. Boudinot, Mr. Wolcott and Mr. Patridge, to whom was referred a petition of the Stockbridge or River Indians, delivered in a report ; whereupon,

*Ordered*, That the petition of the River or Stockbridge Indians, dated the 28th of February, 1782, presented to Congress by Asa Douglass, their agent, be referred to the legislature of the state of New-York ; and that it be recommended to them to hear the said petitioners, and fully enquire into the matters by them stated in their said petition ; and that the said legislature do thereon what shall appear to them reasonable and just in the premises.

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THURSDAY, March 14, 1782.

On a report of a committee, consisting of Mr. Randolph, Mr.



Clark and Mr. Ellery, to whom was referred a report on a letter of the 4th, from colonel Pickering, quarter-master-general :

*Resolved*, That so much of the resolution of the 30th of October, 1780, as continues to major-general Greene, the power which had been given to major-general Gates, by a resolution of the 14th of June, in the same year, of appointing the officers in the quarter-master-general's department for the southern-army be repealed.

The resolutions of the 15th of July, 1780, providing for the appointment for one deputy quarter-master only for a separate army, and the southern services requiring an additional one :

*Resolved*, That the quarter-master-general be, and he is hereby authorized to appoint out of the line of the army, an additional deputy quarter-master for the southern-army, who shall be subordinate to and under the command of the other deputy quarter-master for the said army, and whose pay shall be the same with that allowed to the deputy quarter-master by the aforesaid resolutions of the 15th of July, 1780.

*Resolved*, That the principal deputy quarter-master to the southern-army, be allowed during actual service, 75 dollars per month and four rations per day, in addition to his pay and subsistence as an officer in the line, until the further order of Congress.

*Resolved*, That the officer who has conducted the quarter-master-general's department in the southern-army since general Greene has had the command thereof, be allowed for his past services the same emoluments with those granted to the principal deputy quarter-master in the preceding resolution.

On the question for agreeing to allow the sum of 75 dollars per month to the principal deputy quarter-master to the southern-army.

The yeas and nays being required by Mr. Clark,

Massachusetts,	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	
Rhode-Island,	Mr. Ellery,	ay	} ay
	Mr. Cornell,	ay	
Connecticut,	Mr. Law,	ay	} ay
	Mr. Wolcott,	ay	
New-York,	Mr. Scott,	ay	} ay
	Mr. Floyd,	ay	
New-Jersey,	Mr. Clark,	no	} no
	Mr. Boudinot,	ay	
	Mr. Condict,	no	
Pennsylvania,	Mr. Montgomery,	ay	} ay
	Mr. Clymer,	ay	
	Mr. Atlee,	ay	
Delaware,	Mr. M <sup>c</sup> Kean,	ay	} ay
	Mr. Dickinson,	ay	
	Mr. Wharton,	ay	
Maryland,	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
Virginia,	Mr. J. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Randolph,	ay	
	Mr. Lee,	ay	



South-Carolina,	Mr. Bee,	ay	} ay
	Mr. Motte,	ay	
	Mr. Eveleigh,	ay	
Georgia,	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	

So it was resolved in the affirmative.

A motion was made by Mr. Clark, seconded by Mr. Condict, to add to the foregoing resolutions as follows :

“ And whereas the business of the quarter-master-general being considerably lessened by the present mode of supplying the army in general by contract, and it being at all times proper to establish the pay and emoluments of officers, as near as possible proportioned to their ranks and services :

“ Resolved, That for the above reasons the pay and allowance of the quarter-master-general, be reduced from \$492 dollars per annum, and rations and other allowances estimated at 1904 dollars per annum, to the same pay and allowance in future of a major-general.”

On this motion the previous question was moved by the state of Connecticut, seconded by the state of Rhode-Island ; and on the question to agree to the previous question, the yeas and nays being required by Mr. Clark,

Massachusetts,	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	
Rhode-Island,	Mr. Ellery,	ay	} ay
	Mr. Cornell,	ay	
Connecticut,	Mr. Law,	ay	} ay
	Mr. Wolcott,	ay	
New-York,	Mr. Scott,	ay	} ay
	Mr. Floyd,	ay	
New-Jersey,	Mr. Clark,	no	} no
	Mr. Boudinot,	ay	
	Mr. Condict,	no	
Pennsylvania,	Mr. Montgomery,	no	} ay
	Mr. T. Smith,	ay	
	Mr. Clymer,	ay	
Delaware,	Mr. Atlee,	ay	} ay
	Mr. McKean,	ay	
	Mr. Dickinson,	ay	
Maryland,	Mr. Wharton,	ay	} ay
	Mr. Hanson,	ay	
Virginia,	Mr. Carroll,	ay	} ay
	Mr. Madison,	ay	
	Mr. Randolph,	ay	
South-Carolina,	Mr. Lee,	ay	} ay
	Mr. Middleton,	ay	
	Mr. Eveleigh,	ay	} ay
Georgia,	Mr. Telfair,	ay	
	Mr. N. W. Jones,	ay	

So it was resolved in the affirmative.

TUESDAY, March 19, 1782.

The secretary at war, to whom was referred a memorial of lieute-



nant Powers, late of the regiment of artillery artificers, delivered in a report; whereupon,

*Ordered,* That the comptroller adjust the account of lieutenant Alexander Powers, late of the regiment of artillery artificers, for pay up to the 31st of May last, it appearing from a certificate of the commanding-officer of the regiment, that he did duty therein, and was not officially notified of his dismissal from the service until that time.

On a report of a committee, consisting of Mr. Montgomery, Mr. Wolcott and Mr. Scott, appointed to prepare a recommendation to the several states, to set apart a day of humiliation, fasting and prayer:

Congress agreed to the following proclamation:

The goodness of the Supreme Being to all his rational creatures, demands their acknowledgments of gratitude and love; his absolute government of this world dictates, that it is the interest of every nation and people ardently to supplicate his favour and implore his protection.

When the lust of dominion or lawless ambition excites arbitrary power to invade the rights, or endeavour to wrest from a people their sacred and invaluable privileges, and compels them, in defence of the same, to encounter all the horrors and calamities of a bloody and vindictive war; then is that people loudly called upon to fly unto that God for protection, who hears the cries of the distressed, and will not turn a deaf ear to the supplication of the oppressed.

Great-Britain, hitherto left to infatuated councils, and to pursue measures repugnant to her own interest and distressing to this country, still persists in the design of subjugating these United States; which will compel us into another active and perhaps bloody campaign.

The United States in Congress assembled, therefore, taking into consideration our present situation, our multiplied transgressions of the holy laws of our God, and his past acts of kindness and goodness towards us, which we ought to record with the liveliest gratitude, think it their indispensable duty to call upon the several states, to set apart the last Thursday in April next, as a day of fasting, humiliation and prayer, that our joint supplications may then ascend to the throne of the ruler of the universe, beseeching him to diffuse a spirit of universal reformation among all ranks and degrees of our citizens; and make us an holy, that so we may be an happy people; that it would please him to impart wisdom, integrity and unanimity to our counsellors; to bless and prosper the reign of our illustrious ally, and give success to his arms employed in the defence of the rights of human nature; that he would smile upon our military arrangements by land and sea; administer comfort and consolation to our prisoners in a cruel captivity; protect the health and life of our commander in chief; grant us victory over our enemies; establish peace in all our borders, and give happiness to all our inhabitants; that he would prosper the labour of the husbandman, making the earth yield its increase in abundance, and give a proper season for the ingathering of the fruits thereof; that he would grant success to all engaged in lawful trade and commerce, and take under his guardianship all schools and seminaries of learning, and make them nurseries of virtue and piety; that he would incline the hearts of all men to peace, and fill them with universal charity and be-



nevolence, and that the religion of our Divine Redeemer, with all its benign influences, may cover the earth as the waters cover the seas.

Done by the United States in Congress assembled, &c. &c.

On a report of a committee, consisting of Mr. Livermore, Mr. Madison and Mr. Clark, to whom was committed a report on a letter of the 25th of February from col. T. Pickering, quarter-master-general :

It being represented to Congress, that in consequence of an opinion entertained by individuals, with whom debts have been contracted by officers and servants of the United States, for supplies furnished and services rendered to the said states, that the said officers and servants were personally liable therefor, divers suits have been and others probably will be instituted, whereby such officers and servants may be exposed to great trouble and expense, in cases where the failure to discharge their contracts hath proceeded from the deficiency of the advances received by them, from the public treasury ; and Congress having by their resolution of the second of November last, provided for the redemption of certificates for supplies and services afforded to the United States, by resolving to accept the same from the states producing them, in payment of balances due on former requisitions ; and by subsequent resolutions having directed the appointment of commissioners for liquidating and settling all such certificates and other demands against the United States, as also commissioners for settling finally the accounts of the aforesaid officers and servants, whereby it will appear in what cases non-payments of the debts contracted by them hath proceeded from misapplication of public monies advanced to them ; and Congress having moreover recommended to the several legislatures to make the necessary provision for the speedy and effectual recovery in behalf of the United States, of all balances which shall be found due from such officers and servants :

*Resolved*, That it be, and hereby is recommended to the legislatures of the several states, to make suitable provision for staying all suits which have been brought, and preventing future suits by individuals against the aforesaid officers and servants, for debts contracted by them for supplies furnished or services rendered to the United States :

Provided always, that nothing in this resolution contained, shall be construed to imply an opinion in Congress that the aforesaid officers and servants of these United States, are personally liable for any debts contracted by them for the use and benefit of the said states.

On a report from the secretary at war,

*Resolved*, That so much of the act of Congress of the 30th of September, 1780, as establishes the pay and rations of the regimental-surgeons and their mates, be, and hereby is repealed :

That in future the pay of a regimental-surgeon shall be 59 dollars per month, and that he be entitled to draw three rations per day and forage as heretofore ; and that the pay of a regimental-surgeon's mate be in future 40 dollars per month, and he be entitled to two rations per day.

*Ordered*, That Mr. Hawkins have leave of absence.

---

WEDNESDAY, March 20, 1782.

A letter, of the 18th, from general Washington, was read ; inform-



ing, that he proposes to set out for the army on the North-river ; whereupon,

*Resolved*, That he be informed, that Congress will admit him to an audience of leave, to-morrow at half after ten.

FRIDAY, March 22, 1782.

The committee, consisting of Mr. Bee, Mr. Atlee, Mr. Cornell, to whom were referred a letter of the 21st of February, from brigadier-general Moultrie, and a motion respecting brigadier-general Knox, report,

“ That they have considered the same, and are of opinion that the request of general Moultrie is reasonable and ought to be granted, and they are the more confirmed of its propriety, when they consider the contents of president Hancock’s letter of the 22d of July, 1776, and president Jay’s letter of the 15th of May, 1779, and the act of Congress of the 13th of the same month, therefore they beg leave to submit the following resolution :

“ That brigadier-general Moultrie be, and hereby is promoted to the rank of a major-general in the army of the United States, to take rank as such from the 14th day of November, 1781.

“ The committee are also of opinion, that the motion respecting the promotion of brigadier-general Knox, is founded on just principles, and report the same as their opinion, namely,

“ Brigadier-general Knox, commanding-officer of the artillery, being recommended by the commander in chief by his letter of the 31st day of October last, to be appointed a major-general in the army of the United States, on account of his special merit and particularly for his good conduct at the siege of York-town, in the state of Virginia.

“ *Resolved*, That brigadier-general Knox be, and he is hereby promoted to the rank of major-general in the line of the army, and that he take rank from the 15th day of November last.”

A motion was made by Mr. Scott, seconded by Mr. Motte, that the consideration of the report be postponed, in order to make way for the following resolution :

“ That brigadiers-general James Clinton, William Moultrie, Laughlin M’Intosh and Henry Knox, be promoted to the rank of majors-general :”

On the question for postponing, the yeas and nays being required by Mr. Scott,

New-Hampshire,	Livermore,	no	}	*
Massachusetts,	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
Rhode-Island,	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
Connecticut,	Mr. Law,	no		
	Mr. Wolcott,	no	}	no
New-York,	Mr. Scott,	ay		
	Mr. Floyd,	ay	}	ay
New-Jersey,	Mr. Boudinot,	no		
	Mr. Condict,	ay	}	divided.



<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	} <i>divided.</i>
	Mr. <i>T. Smith,</i>	<i>no</i>	
	Mr. <i>Clymer,</i>	<i>ay</i>	
	Mr. <i>Atlee,</i>	<i>ay</i>	
<i>Delaware,</i>	Mr. <i>M<sup>r</sup> Kean,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Dickinson,</i>	<i>no</i>	
	Mr. <i>Wharton,</i>	<i>ay</i>	
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Carroll,</i>	<i>no</i>	
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>ay</i>	} <i>no</i>
	Mr. <i>Madison,</i>	<i>no</i>	
	Mr. <i>Lee,</i>	<i>no</i>	
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Motte,</i>	<i>ay</i>	
	Mr. <i>Eveleigh,</i>	<i>ay</i>	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>N. W. Jones,</i>	<i>ay</i>	

So it passed in the negative.

On the question to agree to the resolution for the promotion of brigadier-general Moultrie, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	} *
	Mr. <i>Patridge,</i>	<i>ay</i>	
<i>Massachusetts,</i>	Mr. <i>Osgood,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Ellery,</i>	<i>ay</i>	
<i>Rhode-Island,</i>	Mr. <i>Cornell,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Law,</i>	<i>ay</i>	
<i>Connecticut,</i>	Mr. <i>Wolcott,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Scott,</i>	<i>no</i>	
<i>New-York,</i>	Mr. <i>Floyd,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Boudinot,</i>	<i>ay</i>	
<i>New-Jersey,</i>	Mr. <i>Condict,</i>	<i>no</i>	} <i>divided.</i>
	Mr. <i>Montgomery,</i>	<i>ay</i>	
<i>Pennsylvania,</i>	Mr. <i>Smith,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Clymer,</i>	<i>ay</i>	
	Mr. <i>Atlee,</i>	<i>ay</i>	
	Mr. <i>M<sup>r</sup> Kean,</i>	<i>no</i>	
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Wharton,</i>	<i>no</i>	
	Mr. <i>Hanson,</i>	<i>ay</i>	
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Jones,</i>	<i>no</i>	
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Lee,</i>	<i>ay</i>	
	Mr. <i>Middleton,</i>	<i>no</i>	
<i>South-Carolina</i>	Mr. <i>Motte,</i>	<i>no</i>	} <i>no</i>
	Mr. <i>Eveleigh,</i>	<i>no</i>	
	Mr. <i>Telfair,</i>	<i>no</i>	
<i>Georgia,</i>	Mr. <i>N. W. Jones,</i>	<i>no</i>	} <i>no</i>

So the question was lost.



On the question to agree to the resolution for the promotion of brigadier-general Knox, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	>	*
<i>Massachusetts,</i>	Mr. Patridge,	ay	}	ay
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay
	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Boudinot,	ay	}	ay
	Mr. Condict,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay		
	Mr. Atlee,	no		
<i>Delaware,</i>	Mr. M <sup>r</sup> Keen,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	no		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Lee,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	no
	Mr. Motte,	no		
	Mr. Eveleigh,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it was resolved in the affirmative.

The committee, consisting of Mr. Carroll, Mr. Cornell, Mr. Clark, Mr. Randolph and Mr. Eveleigh, to whom was referred a letter of the 30th of October, 1781, respecting the promotion of colonel Otho Williams, report,

“ That col. Williams stood in the line of promotion to be a brigadier in the district of Delaware and Maryland, under the late regulation of the army; that it appears from the returns of the Maryland line, the troops of that state are divided into two brigades; that the testimonies in favour of colonel Otho Williams’s merit are such, as deserve the particular notice of Congress, and therefore submit the following resolution :

“ That colonel Otho Williams be appointed a brigadier in the army of the United States.”

On the question to agree to this resolution, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	>	*
<i>Massachusetts,</i>	Mr. Patridge,	ay	}	ay
	Mr. Osgood,	ay		



<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay
	Mr. Cornell,	ay	
<i>New-York,</i>	Mr. Scott,	no	} divided.
	Mr. Floyd,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} divided.
	Mr. Conduct,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Smith,	ay	
	Mr. Clymer,	ay	
	Mr. Atlee,	ay	
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	} ay
	Mr. Dickinson,	no	
	Mr. Wharton,	ay	} ay
<i>Maryland,</i>	Mr. Hanson,	ay	
	Mr. Carroll,	ay	} no
<i>Virginia,</i>	Mr. J. Jones,	no	
	Mr. Madison,	no	} no
	Mr. Lee,	no	
<i>South-Carolina,</i>	Mr. Middleton,	no	} no
	Mr. Motte,	no	
	Mr. Eveleigh,	no	} no
<i>Georgia,</i>	Mr. Telfair,	no	
	Mr. N. W. Jones,	no	} no

So the question was lost.

A motion was made by Mr. Telfair, seconded by Mr. Scott,  
 "That brigadiers James Clinton, William Moultrie, and Laughlin  
 M<sup>c</sup>Intosh, be promoted to the rank of majors-general, and that they  
 take rank from the 14th day of November, 1781."

On the question to agree to this, the yeas and nays being required  
 by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	no	} *
<i>Massachusetts,</i>	Mr. Patridge,	no	
	Mr. Osgood,	no	} no
<i>Rhode-Island,</i>	Mr. Ellery,	no	
	Mr. Cornell,	no	} no
<i>Connecticut,</i>	Mr. Law,	no	
	Mr. Wolcott,	no	} no
<i>New-York,</i>	Mr. Scott,	ay	
	Mr. Floyd,	ay	} ay
<i>New-Jersey,</i>	Mr. Conduct,	no	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Clymer,	ay	
	Mr. Atlee,	ay	
	Mr. M <sup>c</sup> Kean,	no	
<i>Delaware,</i>	Mr. Dickinson,	no	} no
	Mr. Wharton,	no	
	Mr. Hanson,	no	} no
<i>Maryland,</i>	Mr. Carroll,	no	
	Mr. J. Jones,	ay	} no
<i>Virginia,</i>	Mr. Madison,	no	
	Mr. Lee,	no	} no



South-Carolina,	Mr. Middleton,	ay	} ay
	Mr. Motte,	ay	
	Mr. Eveleigh,	ay	
Georgia,	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	

So the question was lost.

— ❁ —  
TUESDAY, March 26, 1782.

On motion of Mr. Cornell,

*Resolved*, That so much of the act of Congress of January 12th, 1780, respecting Mr. Galvan, as directs that he be employed in the inspectorship, as the commander in chief shall direct, be, and hereby is repealed.

On a report from the secretary at war, to whom was referred a letter from colonel Carrington, to the quarter-master-general,

*Resolved*, That the quarter-master with the southern army be, and he is hereby empowered to raise, on the best terms possible, a corps of pioneers, consisting of 30 privates, under such officers now in public pay, as he may think proper to appoint, to be governed by the articles of war, and to continue on the establishment one year, unless the service will admit of their being sooner discharged.

— ❁ —  
WEDNESDAY, March 27, 1782.

On motion of Mr. Clark, seconded by Mr. Cornell,

*Ordered*, That the secretary at war make return to Congress of the officers employed in the quarter-master's department.

On motion of Mr. Osgood, seconded by Mr. Boudinot,

*Ordered*, That the secretary at war make return to Congress of the number of general-officers which the commander in chief judges necessary to be employed in the field, in the main and separate armies, and in the different parts of the United States.

— ❁ —  
SATURDAY, March 30, 1782.

The committee, consisting of Mr. M'Kean, Mr. Boudinot and Mr. Law, to whom were referred an ordinance for establishing a court of appeals, and the form of a law to be passed by the several states for regulating the courts of admiralty, delivered in the draught of an ordinance for establishing a court of appeals, which was read a first time:

*Ordered*, That Tuesday next be assigned for the second reading.

The said committee also reported the form of a law to be recommended to the states for regulating the courts of admiralty:

*Ordered*, That Tuesday next be assigned for the consideration of this form.

*Ordered*, That Mr. Boudinot have leave of absence.

On the report of a committee, consisting of Mr. Cornell, Mr. Boudinot and Mr. M'Kean, to whom was referred a report from the secretary at war, on a reward for apprehending deserters, and who were directed to confer with the superintendant of finance and secretary at war on the subject:

*Resolved*, That it be, and hereby is recommended to the states ref-



pectively, to pass laws giving a reward of eight dollars to any person or persons, who shall apprehend and safely secure in the next county gaol, or such other place as the executive in each state shall direct, any prisoner of war taken from the enemy, who has escaped from the place of his confinement, and  $\frac{1}{8}$ th of a dollar per mile for travelling expenses to the said gaol, also  $\frac{5}{8}$  of a dollar per day for the subsistence of each prisoner while confined: all the above sums to be paid by the state in which the prisoner or prisoners shall be confined, and repaid to the state advancing the money as aforesaid by the superintendant of finance, on the accounts being transmitted to him properly authenticated.

And whereas, the legislatures of some of the states may not be in session for some time after this recommendation reaches the state, it is therefore resolved, that until the legislature shall sit, all sums of money advanced by the treasurer of such state by direction or advice of the executive authority thereof, or otherwise borne in the first instance by the person or persons apprehending and securing such prisoners, agreeably to the foregoing resolution, shall when produced to the superintendant of finance properly authenticated, be immediately discharged.

*Resolved*, That it be, and hereby is recommended to the several states to take effectual measures to prevent any persons from harbouring, secreting, assisting, abetting or comforting any prisoner of war taken from the enemy in making his escape from the place of his confinement.

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MONDAY, April 1, 1782.

On a report of the superintendant of finance, to whom was referred a motion of Mr. Bee, seconded by Mr. Motte,

*Resolved*, That the register be, and hereby is authorized and directed to charge the sum of 50,000 continental dollars, paid to the hon. Thomas Bee, in virtue of a warrant dated the 13th of September, 1780, to the state of South-Carolina, and credit the account of major-general Lincoln for the same.

A letter, of the 31st of March, from Jonas Fay, Moses Robinson, Paul Spooner and Isaac Tichenor, was read, informing, that in consequence of the resolution of Congress of the 20th of August last, the state of Vermont have invariably pursued every measure in order to comply with the said resolution, in a manner that was consistent with the obligations she was under to the people inhabiting the east and west unions, and maintaining the peace and harmony of her citizens with those inhabitants: and enclosing several resolutions of the legislature of Vermont, announcing their compliance with the preliminary required in the said resolution of Congress of the 20th of August last; together with a duplicate of a commission to them, under the great seal of the state, empowering them in behalf of the state of Vermont to subscribe the articles of confederation.

A motion was made by Mr. Clark, seconded by Mr. Scott,

“ That the letter of Jonas Fay, &c. with the papers accompanying the same, together with the several papers on the files of Congress re-



lating to the same subject, and received since the 20th of August last, be referred to a committee."

And on the question for commitment, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	ay
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay
	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Condict,	ay		
<i>Pennsylvania,</i>	Mr. T. Smith,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. J. Jones,	no	}	no
	Mr. Madison,	ay		
	Mr. Lee,	no		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	divided.
	Mr. Bee,	ay		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it was resolved in the affirmative.

Congress took into consideration the report of the committee, consisting of Mr. Madison, Mr. Clark and Mr. Cornell, to whom was referred a letter of the 23d of February last, from the president of New-Hampshire, which is as follows :

" That so much of the said letter as relates to five millions of dollars of the old emission, remaining in the treasury of New-Hampshire, as a surplus of the quota allotted to that state for redemption, be referred to the superintendant of finance to report :

" That in answer to the remaining part of the letter, which represents that the state of New-Hampshire was over-rated in the requisition made by Congress on the 2d of November last, and contains a return of its inhabitants, amounting to 82,200 only, the president of the said state be informed :

" That as a valuation of land throughout the United States, which the instrument of confederation prescribes as the rule for apportioning the public burthens on the several states, was under present circumstances manifestly unattainable, Congress were obliged to resort to some other rule in fixing the quotas in the requisition of November last :

" That the number of inhabitants in each state, having been a rule observed in previous requisitions of money, naturally presented itself as the most eligible one :



" That as no actual numeration of the inhabitants of each state hath yet been obtained by Congress, the computed number which formed the basis of the first requisition made on the states the 29th of July, 1775, was adhered to :

" That although the particular numeration of the inhabitants of New-Hampshire as stated in the letter, should have been made with due accuracy, still a reduction of its quota in conformity thereto, might produce injustice to the other states ; since the computation of July, 1775, may as far exceed their real number as it has been found to exceed that of New-Hampshire :

" That if the justice of the application from New-Hampshire were less uncertain, it would at this season be impossible to superadd to the quotas of the other states, any deduction from that of New-Hampshire, and to make such deduction without superadding it to the quotas of the other states, would leave a deficiency in the revenue which has been found on calculation, to be essential for the exigencies of the current year :

" That the other facts stated by him in his letter, however well founded they may be, are not peculiar to New-Hampshire, and if admitted for the purpose to which they are applied, would authorize and produce similar demands from other states :

" That for these considerations, and more especially as the apportionment in question, if hereafter found to be erroneous, will be subject to correction, Congress cannot comply with the request made in behalf of New-Hampshire, and confide in the justice and public spirit of the said state for those exertions which may be necessary to prevent a deficiency in the public revenue."

A motion was made by Mr. Livermore, seconded by Mr. Osgood, that the consideration of the report be postponed, in order to make way for the following resolution :

" That 66,512 dollars be deducted from the sum set to the state of New-Hampshire by the resolution of the 2d November last, as her quota of eight million dollars for the service of the year 1782, it appearing that New-Hampshire is over-rated that sum."

On the question for postponing, the yeas and nays being required by Mr. Livermore,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	ay	}	ay
	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	no	}	no
	Mr. Wolcott,	no		
<i>New-York,</i>	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
<i>New-Jersey,</i>	Mr. Condict,	ay	}	*
<i>Pennsylvania,</i>	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. M'Kean,	no		
	Mr. Wharton,	no	}	no
<i>Maryland,</i>	Mr. Hanson,	no		
	Mr. Carroll,	no	}	no



Virginia,	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Lee,	ay	
South-Carolina,	Mr. Middleton,	no	} no
	Mr. Bee,	no	
Georgia,	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So it passed in the negative.

WEDNESDAY, April 3, 1782.

Mr. Elmer, a delegate for New-Jersey, attended, and took his seat.

Mr. Lovell, a delegate for Massachusetts, attended, and took his seat.

On a report of a committee, consisting of Mr. Cornell, Mr. Madison, Mr. Middleton, to whom was referred a resolution passed by the legislature of the state of South-Carolina, on the 14th of Feb. 1782.

*Resolved*, That the said resolution be referred to the commander in chief, to take order in the way he shall think most proper to carry the same into effect.

*Ordered*, That Mr. Motte have leave of absence.

A motion was made by Mr. Madison, seconded by Mr. Scott, in the following words:

"Congress having by a resolution of the first instant, referred to a committee sundry papers received from Jonas Fay, &c. together with the other papers on the files of Congress, relating to the same subject, received since the 20th of August last: the yeas and nays having been required on the question, and of the papers so committed, such part only having been entered on the journal of the said day, as purports on the part of the New-Hampshire Grants, a compliance with a preliminary requisition contained in the resolution of Congress of the 20th of August last, the proceedings of Vermont from the 16th to the 19th of October last, rejecting the same, and sundry resolutions of the state of New-York, of the 15th and 19th of November last, both included among the papers referred, being omitted; and an entry on the journals thus partially stating the case, having a tendency to misinform and mislead the public judgment, as well as to defeat the purpose of calling for the yeas and nays, as authorized by the 9th article of the confederation, and Congress having adjourned on the 2d instant, whilst the journal of the preceding day was under consideration, whereby the opportunity of then supplying the omission was lost:

*Resolved*, That the secretary be authorized and directed to enter on the journal of the first instant, as of the proceedings of that day, the said proceedings and the said resolutions of the state of New-York, which are in the words following, to wit:"

On the question to agree to this,

The yeas and nays being required by Mr. Scott,

New-Hampshire,	Mr. Livermore,	no	} *
	Mr. Patridge,	no	
Massachusetts,	Mr. Osgood,	no	} no
	Mr. Ellery,	no	
	Mr. Cornell,	no	



<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Wolcott,</i>	<i>no</i>		
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Floyd,</i>	<i>ay</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Condict,</i>	<i>no</i>		
<i>Pennsylvania,</i>	Mr. <i>Smith,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Clymer,</i>	<i>no</i>		
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Wharton,</i>	<i>no</i>		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Carroll,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Madison,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Lee,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Middleton,</i>	<i>ay</i>		
<i>Georgia,</i>	Mr. <i>Bee,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Telfair,</i>	<i>ay</i>		
	Mr. <i>N. W. Jones,</i>	<i>ay</i>		

So it passed in the negative.

After the yeas and nays were taken, a dispute arose, whether the two papers referred to should be entered after the words "to wit;" and it being contended, on the one hand, that the papers were handed in with the motion, and ought to be considered as part of the motion, and on the other hand, this being objected to, the secretary desired direction on the matter, but after debate, the house adjourned without giving any direction respecting the entry.

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THURSDAY, April 4, 1782.

On motion of Mr. Livermore, seconded by Mr. Clark,

*Ordered,* That the two papers referred to by the words "to wit," in the motion of yesterday, be fully entered in the journal as a part of that motion.

The papers are as follows :

*"State of Vermont, Charlestown, 16th of October, 1781.*

The government and council having joined the general assembly in a committee of the whole, to take into consideration the report of the hon. Jonas Fay, Ira Allen and Bezaleel Woodward, Esqrs; who were appointed by the legislature of this state, in the month of June last, to repair to the American Congress with powers to propose to, and receive from them terms for an union of this with the United States, &c.

His Excellency Thomas Chittenden, Esq; in the chair :

The said agents laid before the committee the following papers, which were read by the secretary in their order, viz.

1st and 2d. A copy of their letter to the president of Congress of the 14th of August last, enclosing a duplicate of their commission.

3d. The resolutions of Congress of the 7th and 8th of August last.

4th. Brigadier-general Bellows and associates petition to New-Hampshire, 25th of May, 1781.



5th. Petition of the select men of Swanzy to New-Hampshire, June 9th, 1781.

6th. Honorable Meshech Weare's letter, to be laid before Congress, dated 20th June, 1781.

7th. Messrs. Duane and Ezra L'Hommedieu's memorial and prayer to Congress of the 3d day of August, 1781; together with Ira Allen and Stephen R. Bradley, Esquire's remonstrance to Congress, dated September 22d, 1780.

8th. Resolve of Congress, dated 17th August, 1781.

9th. Written proposals to committee of Congress, dated August 18th, 1781.

10th. Questions proposed to the agents of Vermont by the committee of Congress, August 18th, 1781.

11th. The foregoing questions, with the answers annexed.

12th. Resolutions of Congress of the 20th August, 1781.

The further consideration of the report being referred, adjourned till to-morrow morning nine o'clock.

—+—  
October 17.

Met according to adjournment.

The committee proceeded to the consideration of the resolutions of Congress of the 20th day of August aforesaid, and other papers mentioned in the report of said agents, and after some time spent thereon, resolved, that in the opinion of this committee, the legislature cannot comply with the resolutions last referred to, without destroying the foundation of the present universal harmony and agreement that subsists in this state, and a violation of solemn compact entered into by articles of union and confederation.

The further consideration of the report being postponed, adjourned to nine o'clock to-morrow morning.

—+—  
October 18.

The committee having resumed the further consideration of the said report.

*Resolved*, That inasmuch as the resolutions of Congress of the 7th and 20th of August last, did by no means comport with, but entirely preclude any propositions made by our agents; it is therefore the opinion of this committee, that the propositions made by our agents to the committee of Congress on the 18th of August last, ought not in future to be considered as binding on the part of Vermont.

*Resolved*, That it be, and is hereby recommended to the legislature of this state, that their thanks be returned to their honorable agents for their good services in behalf of this state, on the business of their late mission to the Congress of the United States of America.

And this committee recommend to the legislature of this state, to remain firm in the principles on which the state of Vermont first assumed government; and to hold the articles of union which connect each part of the state with the other, inviolate; and for the further information and satisfaction of the honorable the Congress and the world, do recommend to the legislature to publish the following articles, which respect the admission of Vermont into the federal union, viz.



Art. 1st. That the independence of the state of Vermont be held sacred, and that no member of the legislature shall give his vote or otherwise use his endeavours to obtain any act or resolution of assembly that shall endanger the existence, independence and well being of said state, by referring its independency to the arbitrament of any power.

Art. 2d. That whenever this state becomes united with the American states, and there shall then be any disputes between this and any of the United States, the legislature of the state of Vermont will then (as they have ever proposed) submit to Congress or such other tribunal as may be mutually agreed on for the settlement of any such disputes.

And that the impartial world may be fully convinced of the good and laudable disposition of Vermont, and of her readiness to comply with any reasonable proposal, for the adjustment of the disputes respecting boundary lines between this and the neighbouring states of New-Hampshire and New-York, this committee further recommend to the legislature to make the following proposals to the said states of New-Hampshire and New-York respectively: that whereas disputes have arisen between the states of New-Hampshire and Vermont relative to jurisdictional boundary lines, &c. the legislature of Vermont being willing and desirous, as much as in them lies, to promote unity and good accord between the two states, do propose to the state of New-Hampshire, that all matters relating to the aforesaid dispute, shall be submitted to five or more judicious unprejudiced persons, who shall be mutually agreed on, elected and chosen by a committee of legislature on the part of each state respectively.

And that the states of New-Hampshire and Vermont do pledge their faith, each to the other, that the decision had by the persons so elected, being made up in writing, signed by the president of such commissioners, and deliver to the secretary of each state respectively, shall be held sacredly binding on each of the said states of New-Hampshire and Vermont for ever.

And that proposals of the same tenor be also made to the legislature of New-York.

And this committee do further recommend, that nine persons be elected commissioners by the legislature on the part of Vermont, to treat with commissioners to be elected on the part of New-Hampshire and New-York respectively, for the adjusting the aforesaid jurisdictional boundary lines.

And that they be commissioned by his excellency the governor, and the faith of this state be by him pledged, in behalf of the state, that the decision thus had, shall in future be held as sacredly binding on the part of Vermont.

The committee further recommend to the legislature, that the proceedings of this committee, be officially transmitted to the Congress of the United States; and that they be enclosed in a letter, under the signature of his excellency the governor, and directed to the president of Congress.

And this committee do further advise the legislature to recommend to the authority in every part of the state, to remain firm in the sup-



port of government, and the punctual execution of the laws, notwithstanding the various measures taken to create divisions and discord.

The commissioners chosen for the above purpose, the hon. Elisha Paine, Jonas Fay, Ira Allen and Peter Olcott, Esqrs; Daniel Jones, Esq; colonel Gideon Warren, Phineas Whiteside, Esq; colonel Joseph Caldwell and Ezra Stiles, Esq;

*Resolved*, That it be an instruction to the said commissioners, that they prepare and make the necessary defence in the premises, and that they introduce the said matters to New-Hampshire and New-York, in such way as to them shall appear best.

October 19, 1781.

Voted that this committee be dissolved.

(Signed) BEZA WOODWARD, *Clerk of Committee.*"

"*State of Vermont, in General Assembly, Charlestown, October 19, 1781.*

The aforesaid report being read and question being put, it was unanimously approved and accepted.

(Signed) ROSWELL HOPKINS, *Clerk.*

In Council, 19th October, 1781.

Read and concurred,

(Signed) JOSEPH FAY, *Secretary.*"

"*State of New-York, in Senate and Assembly, the 15th and 19th days of Nov. in the 6th year of the independence of the said State, 1781:*

*Resolved*, That it appears from sufficient evidence that Congress did by their act of the 24th of September, 1779, inter alia, earnestly recommend to the states of New-Hampshire, Massachusetts-Bay and New-York, to pass laws expressly authorizing Congress to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the articles of confederation; and also by express laws for the purpose to refer to the decision of Congress all differences or disputes between them relative to jurisdiction, which they might respectively have with the people of the district called the New-Hampshire Grants; and also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the said states respecting titles to lands lying within the said district, and also that Congress did thereby pledge their faith, after a full and fair hearing of all the said differences and disputes to decide and determine the same according to equity, and carry into execution and support their determinations and decisions in the premises.

*Resolved*, That it appears from the like evidence, that at the time of passing the said act, and for above a century and an half before, to wit, from the first settlement of the colony of New-York, now the state of New-York, the said colony and this state included by most indubitable right and title, both of jurisdiction and property, all the lands among others to the westward thereof, lying north of the north bounds of the Massachusetts-Bay up to the latitude of 45 degrees north, and extending between those boundaries from Hudson's river to Connecticut river, including the waters of the northern lakes, and other waters within those boundaries: that the above extent of territory which includes the district called the New-Hampshire Grants,



was by a decree of the British king, to whom the sovereignty thereof as parcel of the colony of New-York belonged, made in his privy council the 20th day of July, 1764, between the colonies of New-York and New-Hampshire, declared to be parcel of the said colony of New-York: that in consequence thereof the government of the colony of New-Hampshire, expressly ceded and relinquished all claim and title of jurisdiction to the above territory: that thereupon the same was by acts of legislation of the colony of New-York, formed into counties, and such parts thereof as were settled were represented in the legislature of that colony: that they were also represented in the provincial Congress and convention of this state of New-York, received aids from them as parcel of this state both before and after the declaration of the independence of these United States; assisted by their representatives in forming the constitution of this state, and fully submitted to the jurisdiction thereof till in the year 1777.

*Resolved*, That it appears of record, that notwithstanding the above clear and conclusive evidence of right on the part of this state of New-York to the territory above described, including as aforesaid the New-Hampshire Grants, and though the legislature of this state might therefore consistently with the strictest justice, have asserted their dignity and sovereignty over the district of the New-Hampshire Grants; yet they respectfully adopting the sentiments of Congress, that it was essential to the interest of the whole confederacy, carefully to avoid all intestine dissensions and maintain domestic peace and good order, acquiesced in the submission recommended by the said act of Congress, and accordingly on the 21st day of October, 1779, passed a law of this state for that purpose.

*Resolved*, That it satisfactorily appears that in consequence of said law, the agents thereby appointed to manage the controversy on the part of this state, at very great public expense collected the necessary evidence to support the facts asserted in the second above-mentioned resolution; and that after many and repeated delays, they were at length on the 19th day of September, 1780, in the presence of all the parties interested, (except the state of Massachusetts-Bay, who had not passed the necessary act of submission) indulged with an hearing before Congress; in the course of which such evidence as above-mentioned was produced on the part of this state, as in the opinion of the agents of this state fully proved to Congress, the several facts contained in the said second above-mentioned resolution, and that on the 27th day of the same month, all parties being present (except the state of Massachusetts-Bay, and Messrs. Allen and Bradley, agents for the people of the New-Hampshire Grants, claiming to be a separate independent jurisdiction, who though duly notified then declined any further attendance) the state of New-Hampshire who had also submitted by their legislative act, had an hearing in Congress in support of their claim to the jurisdiction over the district called the New-Hampshire Grants: that this state has on their part fully complied with every requisite contained in the said act of Congress, of the 24th day of September, 1779, and has accordingly from that day to this, abstained from the grant of any lands within the said district, and also from the exercise of jurisdiction over any of the inhabitants of the said dis-



trict, who had not acknowledged the same, that on the contrary the revolted inhabitants of the said district having arbitrarily erected themselves into a separate and independent state, unrecognized as such until this day, by this state, or the other United States, and having framed a government they have passed laws, granted lands, and exercised civil and military authority over the persons and property of those inhabitants, who profess themselves to be subjects of this state, in manifest subversion of the right of sovereignty and property of this state, and in direct contempt and infringement of several acts of Congress: that although they had contented themselves with the exercise of jurisdiction principally up to a line running nearly parallel to Hudson's river, at 20 miles distant therefrom, until the month of June last; yet at that time notwithstanding the censure and prohibition of Congress, and in contempt of their recommendation and authority, by an act of their usurped government, they extended a jurisdictional claim over all the lands situate north, of the north line of the state of Massachusetts, and extending the same to Hudson's river, then east of the centre of the deepest channel of said river to the head thereof, from thence east of a north line, being extended to latitude 45 degrees, and south of the same line including all the lands and waters to the place where the said pretended state then assumed to exercise jurisdiction, inserting at the same time in their said act a clause not to exercise jurisdiction within their jurisdictional claims for the time being: that of all these matters Congress have been fully apprized and though repeatedly solicited thereto by the delegates of this state, have not hitherto made any decision and determination of the said controversy according to equity, as by their said act of the 24th day of September, 1779, they pledged themselves, and by the law of this state they were authorized to do: that to put an end to this delay so injurious to the jurisdiction of this state, so subversive of its interests, peace and polity, so promotive of a repetition of those violent acts of usurped civil and military authority, which in the judgment of Congress declared in their resolution of the 2d of October, 1780, were highly unwarrantable and subversive of the peace and welfare of the United States, and from which they require the people inhabiting the said grants to desist, until the decision and determination of Congress in the premises, they have actually presumed to exercise sovereign authority and jurisdiction, to the full extent of their jurisdictional claim, by appointing civil and military officers, making levies of men and money, rescuing delinquents from the hands of justice of this state, at the expense of the blood and the loss of the life of one of the subjects of this state, in the execution of his lawful duty, and forbidding the officers of justice of this state to execute their offices as appears from the papers attendant on his excellency the governor's speech, and other due information, that among these to shew the actual exercise of jurisdiction by the usurped government of the said grants, by the stile and title of the state of Vermont, over the territory contained within the said jurisdictional claim, is the copy of a certain proclamation, bearing date the 18th day of July, 1781, purporting to be under the seal of the said pretended state, signed by Thomas Chittenden, who stiles himself their governor, which after divers falsities and absurdities



therein contained, asserts that commissions both civil and military had then been lately issued by the supreme authority of the said pretended state, to persons chosen agreeable to the laws and customs thereof, in the several districts and corporations within the limits of the above-mentioned western or jurisdictional claim, strictly requires, charges and commands all persons of whatsoever quality or denomination residing within the said western claim of jurisdiction, to take due notice of the laws and orders of the said pretended state, and to govern themselves accordingly, on pain of incurring the penalties therein contained, and strictly requires, charges and commands all magistrates, justices of the peace, sheriffs, constables, and all other civil and all military-officers, to be active and vigilant in executing the laws aforesaid, without partiality.

*Resolved*, That the legislature of this state is greatly alarmed at the evident intention of Congress, from political experience, as it is expressed in a letter from his excellency the president of Congress, to his excellency the governor of this state, of the 8th of August last, and as is evinced in their acts of the 7th and 20th of the same month, enclosing therein, to establish an arbitrary boundary, whereby to exclude out of this state the greatest part of territory described in the second resolution above-mentioned, belonging most unquestionably to this state as part, parcel and member thereof, and to erect such dismemberment possessed by the revolted subjects of this state, into an independent state, and as such to admit them into the federal union of these United States, especially as the two last mentioned acts seem to express the sense of Congress, that the territories of this state, by the articles of confederation are, and as in fact and truth they are by the 2d and 3d articles thereof guaranteed, and still more especially as by a proviso in the 9th article, it is provided that no state shall be deprived of territory for the benefit of the United States.

*Resolved*, That it is the sense of the legislature, that Congress have not authority by the articles of confederation in any wise, to intermeddle with the former territorial extent of jurisdiction or property of either of these United States, except in cases of disputes concerning the same between two or more states in the union, nor to admit into the union, even any British colony except Canada, without the consent of nine states, nor any other state whatsoever, nor above all to create a new state by dismembering one of the thirteen United States without their universal consent.

*Resolved*, That in case of any attempt by Congress to carry into execution their said acts of the 7th and 20th of August last, this legislature, with all due deference to Congress, are bound in duty to their constituents to declare the same an assumption of power in the face of the said act of submission of this state, and against the clear letter and spirit of the 2d, 3d, 9th and 11th articles of the confederation, and a manifest infraction of the same, and do therefore hereby solemnly protest against the same.

*Resolved*, That a copy of these resolutions be forthwith made and certified by the president of the senate, and the speaker of the assembly, in presence of his excellency the governor, who is hereby requested to attest the same with the great seal of this state, and transmit it



without delay to Congress, to the end, that the same may be entered on their journals, or filed in their archives *in perpetuam rei memoriam*; and that another copy so certified as aforesaid, be delivered to the delegates of this state for their use and guidance, and that they be, and hereby are expressly directed and required to enter their dissent on every step which may be taken in and towards carrying the said two last mentioned acts of Congress into execution.

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MONDAY, April 8, 1782.

On a report from the secretary at war, to whom was referred a plan of the pay-master-general, for the better regulation of the pay of the army :

*Resolved*, That as all returns necessary to check the accounts of pay and rations, and to give full information of public issues of clothing and stores, are lodged at the war-office, the secretary at war is hereby empowered and directed to issue his warrants on the pay-master-general, in favour of each regimental pay-master, for the pay and rations which shall appear on adjustment of their accounts to be due to the regiments respectively, and to the head of each department for the pay and rations due to such department : that the accounts for the pay and rations of each regiment, and of each department in the army, from January 1st, 1782, shall be made out at the end of every month, and be transmitted to the war-office for examination and warrants:

That the manner of making the payments, of keeping the accounts, and the returns of the regimental pay-masters be regulated by the secretary at war :

That the pay-master-general shall pay on the warrants of the secretary at war, from such monies as shall be put into his hands for the pay and rations of the troops, and to the orders of the commander in chief, or officer commanding the southern-army, from such monies as shall be placed in his disposal for contingencies.

*Resolved*, That all resolutions heretofore passed, empowering general-officers to draw warrants on the pay-master-general, except that empowering the officer commanding the southern-army, be, and the same are hereby repealed.

*Resolved*, That there be one deputy pay-master for the southern army :

That there shall be one assistant allowed to the pay-master-general, who shall do the duties of a clerk :

That the pay-master-general be, and he is hereby authorized to appoint his deputy and his assistant :

That the pay-master-general immediately give bonds with two sureties to the superintendant of finance, in the sum of 15,000 dollars, for the faithful performance of his office.

*Ordered*, That the committee to whom was referred a report from the secretary at war, on the quarter-master's department, and who were instructed to confer with the secretary at war on the general arrangement of the staff departments, report the salaries which they judge proper to be allowed to the officers in the said departments, including those of the pay-master-general and his deputy and assistant.



*TUESDAY, April 9, 1782.*

On a report from the secretary at war, to whom was referred the report of a committee on a letter of February, from the superintendant of finance,

*Resolved*, That the secretary at war do cause accurate returns to be made of every non-commissioned officer and private in the army of the United States, who shall be in service on the first day of June next, specifying the particular state to which each man belongs, and the time for which they enlisted, and which they have to serve.

*Ordered*, That Mr. Lee have leave of absence.

*WEDNESDAY, April 10, 1782.*

On a report of a committee, consisting of Mr. Clymer, Mr. Osgood and Mr. Cornell, to whom were referred two letters from the superintendant of finance, dated February 26th, and April 3d, 1782.

*Resolved*, That it be, and hereby is recommended to the legislature of the several states, where excise laws subsist, that they exempt from any charge of excise all such spiritous liquors as may be purchased by contractors for the use of the army of the United States, guarding such exemption from abuse and imposition by the provisions which to them may seem proper and effectual.

On a report of a committee, consisting of Mr. Dickinson, Mr. Cornell and Mr. Atlee, appointed to examine the powers vested in the late board of war, and to report such of them as appear necessary to be vested in the secretary at war:

*Resolved*, That the following instructions and additional powers be given to, and vested in the secretary at war:

That the commander in chief be furnished with returns of ordnance and ordnance stores, when he shall request them from the war-office:

That the clothier-general receive his instructions from the war-office, and that the distributions of clothing for the army be made under the secretary at war's directions:

That the secretary at war shall, in the absence of the commander in chief, be empowered to order the holding of general courts-martial in the places where Congress may be assembled:

That the commissary-general of prisoners, so far as respects the securing of military prisoners and making returns of them, take his directions from the secretary at war:

That estimates and returns from the different departments be lodged at the war-office, to be examined and approved of by the secretary at war:

That the secretary at war direct the building and management of laboratories, arsenals, founderies, magazines, barracks, and other public buildings, the necessity of which he is, from time to time, to report, and the same is to be approved of by Congress:

That the secretary at war be empowered to send off expresses, and to provide guards for the safe conveyance of dispatches, money and any articles necessary for the use of the army whenever it shall appear to him to be necessary:

That the care and direction of prisoners of war be vested in the secretary at war, so far as respects their safe keeping:

That the secretary at war execute all such matters as he shall be



directed by Congress, and give his opinion on all such subjects as shall be referred to him by Congress; and if at any time he shall think a measure necessary to which his powers are incompetent, he shall communicate the same to Congress for their direction therein:

That all military and other officers attending upon or connected with the army of the United States be, and they are hereby required and enjoined to observe the directions of the secretary at war, in making and transmitting proper returns, and such other matters as may tend to facilitate the business of his department.

On motion of Mr. Lee, seconded by Mr. Clark,

*Ordered*, That the under secretary of the office for foreign affairs, lay before Congress copies of Dr. Franklin's letters of the following dates, March 31st, 1778, July 22d, 1778, December 21st, 1778, and October 17th, 1779.

MONDAY, April 15, 1782.

Mr. Bland, a delegate of Virginia, attended.

A motion was made by Mr. Scott, seconded by Mr. Lee, which being amended to read as follows:

"Whereas his excellency John Hanson, Esq; is rendered unable by sickness at present to discharge the functions of his place of president of Congress, resolved therefore, that Congress will forthwith proceed to elect one of their number by ballot, to preside only during the indisposition of the said John Hanson, Esq;

On the question to agree to this, the yeas and nays being required by Mr. Scott,

New-Hampshire,	Mr. Livermore,	no	}	*	
Massachusetts,	Mr. Patridge,	ay			
	Mr. Osgood,	ay	}		ay
Rhode-Island,	Mr. Ellery,	no			
	Mr. Cornell,	ay	}		divided.
Connecticut,	Mr. Law,	ay			
	Mr. Wolcott,	no	}		divided.
New-York,	Mr. Scott,	ay			
	Mr. Floyd,	ay	}		ay
New-Jersey,	Mr. Clark,	ay			
	Mr. Elmer,	ay	}	ay	
	Mr. Boudinot,	no			
	Mr. Condict,	ay	}		ay
Pennsylvania,	Mr. Montgomery,	ay			
	Mr. T. Smith,	ay	}		ay
Delaware,	Mr. Dickinson,	no			
	Mr. Wharton,	no	}		no
Virginia,	Mr. J. Jones,	ay			
	Mr. Madison,	ay	}	ay	
	Mr. Bland,	ay			
	Mr. Lee,	ay	}		ay
South-Carolina,	Mr. Middleton,	no			
	Mr. Bee,	no	}		no
Georgia,	Mr. Telfair,	no			
	Mr. N. W. Jones,	no	}		no

So the question was lost.



A motion was then made by Mr. Livermore, seconded by Mr. Boudinot in the following words:

"That a vice-president be chosen by ballot, to exercise the office of vice-president of Congress in the absence or inability of the president, until the first day of November next; and that in case of such absence or inability, the vice-president shall exercise all the powers of president of Congress."

On the question to agree to this, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no
	Mr. Cornell,	no		
<i>Connecticut,</i>	Mr. Law,	no	}	divided.
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Scott,	no	}	divided.
	Mr. Floyd,	ay		
<i>New-Jersey,</i>	Mr. Clark,	no	}	divided.
	Mr. Elmer,	no		
	Mr. Boudinot,	ay		
	Mr. Condict,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. T. Smith,	no		
<i>Delaware,</i>	Mr. Dickinson,	no	}	*
<i>Virginia,</i>	Mr. Bland,	ay		
	Mr. Lee,	ay	}	ay
<i>South-Carolina,</i>	Mr. Middleton,	no		
	Mr. Bee,	ay		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So the question was lost.

A motion was then made by Mr. Bee, seconded by Mr. Middleton,

"That whenever the president for the time being, shall be prevented, by sickness or otherwise, from attending the house, one of the members present be chosen by ballot to act as chairman for the purpose of keeping order in the house only, but that all official papers shall nevertheless be signed and authenticated by the president as heretofore."

On the question to agree to this, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Cornell,	ay		
<i>Connecticut,</i>	Mr. Law,	ay	}	ay
	Mr. Wolcott,	ay		
<i>New-York,</i>	Mr. Scott,	no	}	*



<i>New-Jersey,</i>	Mr. Clark,	ay	} ay
	Mr. Elmer,	ay	
	Mr. Boudinot,	ay	
	Mr. Condict,	ay	
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	} ay
	Mr. Smith,	ay	
	Mr. Clymer,	ay	
	Mr. Atlee,	ay	
<i>Delaware,</i>	Mr. Dickinson,	ay	} ay
	Mr. Wharton,	ay	
<i>Virginia,</i>	Mr. J. Jones,	ay	} ay
	Mr. Madison,	ay	
	Mr. Bland,	ay	
	Mr. Lee,	ay	
<i>South-Carolina,</i>	Mr. Middleton,	ay	} ay
	Mr. Bee,	ay	
<i>Georgia,</i>	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	

So it was resolved in the affirmative.

Congress thereupon proceeded to the election of a chairman; and, the ballots being taken,

The honorable D. Carroll was elected.

The under secretary in the office of foreign affairs, having according to order sent up copies of two letters from Dr. Franklin, one dated March 31st, 1778, and directed to the hon. Henry Laurens, Esq; president of Congress: and the other dated 22d of July, 1778, and directed to the hon. James Lovell, Esq; and the same being read,

On motion of Mr. Lee, seconded by Mr. Patridge,

*Ordered,* That the copies of the letters from Dr. Franklin just read, be delivered to Mr. Lee.

*Ordered,* That Mr. Lovell have leave of absence.

— ❁ —

*TUESDAY, April 16, 1782.*

A petition of John Buhler, of New-Orleans, in Louisiana, a subject of his Catholic majesty, was read; praying relief and compensation for continental money which he received in the years 1776 and 1778, of captain Gibson, and captain Willing and their men, in the service of the United States; and of colonel D. Rogers and his men, of the Virginia militia, and which money he has still in his possession.

On motion of Mr. Clark, seconded by Mr. Smith,

*Resolved,* That the petition of John Buhler be referred to the future consideration of Congress, when they shall be more competent to judge of the propriety of making good that and other similar claims.

According to order Congress proceeded to the consideration of the report of the committee, consisting of Mr. Boudinot, Mr. Varnum, Mr. Jenifer, Mr. T. Smith and Mr. Livermore, to whom was re-committed a report on the cessions of New-York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies, but came to no determination thereon.



WEDNESDAY, April 17, 1782.

The committee, consisting of Mr. Clymer, Mr. Carroll, Mr. Clark, Mr. Livermore and Mr. Law, to whom was referred the letter of 31st of March, from Jonas Fay and others, together with other papers on the files relating to the same subject, received since the 20th day of August last, delivered in a report, which being read,

A motion was made by Mr. Scott, seconded by Mr. Livermore,

“ That the first Tuesday in October next be assigned for the consideration of the report.”

And on this question, the yeas and nays were required by Mr. Scott.

The report being as follows :

“ That Congress, on the 20th of August last, by the votes of nine states, resolved as follows : on a reconsideration of the resolution respecting the people inhabiting the New-Hampshire Grants, it was altered and agreed to as follows :

“ It being the fixed purpose of Congress to adhere to the guarantee to the states of New-Hampshire and New-York, contained in the resolutions of the 7th instant :

*Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the north-west corner of the state of Massachusetts, thence running 20 miles east of Hudson's-river, so far as the said river runs north-easterly in its general course ; then by the west bounds of the townships granted by the late government of New-Hampshire, to the river running from South-Bay to Lake-Champlain, thence along said river to Lake-Champlain, thence along the waters of Lake-Champlain to latitude 45 degrees north, excepting a neck of land between Missisquoi-Bay and the waters of Lake-Champlain,” which resolution was reconsidered and confirmed on the succeeding day, to wit, the 21st of the same month :

That in the opinion of your committee, the competency of Congress to enter into the above resolutions was full and complete, the concurrent resolutions of the senate and assembly of the state of New-York, of the 15th and 19th of November last, containing a protest against the authority of Congress in the matter notwithstanding, these concurrent resolutions in letter and in spirit, being undeniably incompatible with a legislative act of the said state of a preceding day, to wit, the 21st of October, 1779, wherein there is an absolute reference of the dispute between that state and the people of Vermont, respecting jurisdiction, to the final arbitrament and decision of Congress : and from which alone would result to Congress all the necessary authority herein :

That on the                    day of                    the people residing in the district called Vermont, in considering the said acts of Congress of the 20th and 21st of August, did reject the propositions therein made to them, as preliminary to an acknowledgment of their sovereignty and independence, and admission into the federal union, as appears by their proceedings on the files of Congress : but, that on a subsequent day, the aforementioned resolutions of the 20th and 21st of August, being



unaltered and unrepealed, and the proposition therein contained in the opinion of your committee, still open to be acceded to, the said people did, in their general assembly, on the 22d of February last, enter into the following resolution :

“ That the west-bank of Connecticut river, and a line beginning at the north-west corner of the commonwealth of Massachusetts, from thence northward 20 miles east of Hudson’s river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this state :

“ And that this assembly do hereby relinquish all claims and demands to, and right of jurisdiction in and over, any and every district of territory without said boundary lines :”

That in the sense of your committee, the people of the said district by the last recited act, have fully complied with the stipulation, made and required of them in the resolutions of the 20th and 21st of August, as preliminary to a recognition of their sovereignty and independence, and admission into the federal union of the states, and that the conditional promise and engagement of Congress, of such recognition and admission is thereby become absolute and necessary to be performed, your committee therefore submit the following resolution :

That the district or territory called Vermont, as defined and limited in the resolutions of Congress of the 20th and 21st of August, 1781, be, and it is hereby recognized and acknowledged by the name of the state of Vermont, as free, sovereign and independent ; and that a committee be appointed to treat and confer with the agents and delegates from said state, upon the terms and mode of the admission of the said state, into the federal union.”

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	ay	}	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	no		
	Mr. <i>Osgood,</i>	no	}	no
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	no		
	Mr. <i>Cornell,</i>	no	}	no
<i>Connecticut,</i>	Mr. <i>Law,</i>	no		
	Mr. <i>Wolcott,</i>	no	}	no
<i>New-York,</i>	Mr. <i>Scott,</i>	ay		
	Mr. <i>Floyd,</i>	ay	}	ay
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	no		
	Mr. <i>Elmer,</i>	no	}	no
	Mr. <i>Boudinot,</i>	no		
	Mr. <i>Condict,</i>	no	}	no
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	no		
	Mr. <i>Smith,</i>	no	}	no
	Mr. <i>Clymer,</i>	no		
	Mr. <i>Atlee,</i>	ay	}	no
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	ay		
	Mr. <i>Wharton,</i>	no	}	divided.
<i>Maryland,</i>	Mr. <i>Carroll,</i>	no		
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	ay	}	*
	Mr. <i>Madison,</i>	ay		
	Mr. <i>Bland,</i>	no	}	ay
	Mr. <i>Lee,</i>	ay		



<i>South-Carolina,</i>	Mr. Middleton,	no	}	no
	Mr. Bee,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it passed in the negative.

A motion was then made by Mr. Montgomery, seconded by Mr. Ellery,

"That the third Tuesday in June next be assigned for the consideration of the report:"

On the question to agree to this motion, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	no	}	divided.
<i>Rhode-Island,</i>	Mr. Ellery,	ay		
	Mr. Cornell,	ay	}	ay
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Scott,	no		
	Mr. Floyd,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Elmer,	no	}	no
	Mr. Boudinot,	no		
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	no		
	Mr. Clymer,	ay		
	Mr. Atlee,	ay		
<i>Delaware,</i>	Mr. Dickinson,	no	}	divided.
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Carroll,	ay	}	*
<i>Virginia,</i>	Mr. J. Jones,	no		
	Mr. Madison,	no	}	no
	Mr. Bland,	no		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	no
	Mr. Bee,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So the question was lost.

A motion was then made by Mr. Middleton, seconded by Mr. Bee,

"That Monday next be assigned for the consideration of the report."

On the question to agree to this, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
<i>Connecticut,</i>	Mr. Law,	no		
	Mr. Wolcott,	no	}	no



<i>New-York,</i>	Mr. Scott,	ay	} <i>divided.</i>
	Mr. Floyd,	no	
<i>New-Jersey,</i>	Mr. Clark,	no	} <i>no</i>
	Mr. Elmer,	no	
	Mr. Boudinot,	no	
	Mr. Condict,	ay	
<i>Pennsylvania,</i>	Mr. Montgomery,	no	} <i>no</i>
	Mr. Smith,	no	
	Mr. Clymer,	no	
	Mr. Atlee,	no	
<i>Delaware,</i>	Mr. Dickinson,	no	} <i>no</i>
	Mr. Wharton,	no	
<i>Maryland,</i>	Mr. Carroll,	no	} *
	Mr. J. Jones,	no	
<i>Virginia,</i>	Mr. Madison,	no	} <i>no</i>
	Mr. Bland,	ay	
	Mr. Lee,	no	
<i>South-Carolina,</i>	Mr. Middleton,	ay	} <i>ay</i>
	Mr. Bee,	ay	
<i>Georgia,</i>	Mr. Telfair,	ay	} <i>ay</i>
	Mr. N. W. Jones,	ay	

So it passed in the negative.

THURSDAY, April 18, 1782.

On a report of the secretary at war:

*Resolved;* That the secretary at war be directed to supply the delegates of the state of Georgia, with 200 pair of pistols, and serge sufficient for 200 pair of breeches and waistcoats, and provide for the transportation of these articles and the arms at Richmond, for which the said state is to be accountable.

The order of the day for taking into consideration the report of the committee on the cessions of New-York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies, being called for by the delegates for Virginia, and the first paragraph being read,

A motion was made by Mr. Lee, seconded by Mr. Bland, in the following words:

“ That the first resolve in the report under consideration be postponed till Congress shall have determined on the following motion:

“ That previous to any determination in Congress, relative to the cessions of the western lands, the name of each member present be called over by the secretary, that on such call, each member do declare upon his honour, whether he is, or is not personally interested directly or indirectly in the claims of any company or companies, which have petitioned against the territorial rights of any one of the states, by whom such cessions have been made, and that such declaration be entered on the journals.”

A motion was made by Mr. Clark, seconded by Mr. Ellery, to strike out the words “ till Congress shall have determined on the following motion:”



And on the question, shall those words stand? the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	no	}	divided.
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Scott,	ay		
	Mr. Floyd,	no	}	divided.
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Elmer,	no	}	no
	Mr. Boudinot,	no		
	Mr. Condict,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Smith,	no	}	no
	Mr. Clymer,	no		
	Mr. Atlee,	no	}	*
<i>Maryland,</i>	Mr. Carroll,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	ay	}	ay
	Mr. Lee,	ay		
<i>South-Carolina</i>	Mr. Middleton,	ay	}	ay
	Mr. Bee,	ay		
<i>Georgia,</i>	Mr. Telfair,	ay	}	ay
	Mr. N. W. Jones,	ay		

So it passed in the negative.

A motion was then made by Mr. Clark, seconded by Mr. Osgood, to strike out the words "the first resolve in," and on the question, shall these words stand? the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Scott,	ay		
	Mr. Floyd,	no	}	divided.
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Elmer,	no	}	no
	Mr. Boudinot,	no		
	Mr. Condict,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Smith,	no	}	no
	Mr. Clymer,	no		
	Mr. Atlee,	no	}	no



Delaware,	Mr. Wharton,	no	}	*
Maryland,	Mr. Carroll,	no		*
Virginia,	Mr. J. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Lee,	ay		
South-Carolina,	Mr. Middleton,	ay	}	ay
	Mr. Bee,	ay		
Georgia,	Mr. Telfair,	ay	}	ay
	Mr. N. W. Jones,	ay		

So it passed in the negative.

A motion was then made by Mr. Madison, seconded by Mr. Scott, after the word "postponed," to insert the words "until to-morrow;" on which the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. Livermore,	ay	}	*
<i>Massachusetts,</i>	Mr. Patridge,	no		
	Mr. Osgood,	no	}	no
<i>Rhode-Island,</i>	Mr. Ellery,	no		
	Mr. Cornell,	no	}	no
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	no	}	divided.
<i>New-York,</i>	Mr. Scott,	ay		
	Mr. Floyd,	no	}	divided.
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Elmer,	no	}	no
	Mr. Boudinot,	no		
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
	Mr. Atlee,	no		
<i>Delaware,</i>	Mr. Wharton,	no	}	*
<i>Maryland,</i>	Mr. Carroll,	no		
<i>Virginia,</i>	Mr. J. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	ay		
	Mr. Lee,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	ay	}	*
<i>Georgia,</i>	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay	}	ay

So the question was lost.

A motion was then made by Mr. Lee, seconded by Mr. Montgomery, after the word "postponed," to insert the words "until Monday next;" on which the yeas and nays being required by Mr. Carroll,

New-Hampshire,	Mr. Livermore,	no	}	*
Massachusetts,	Mr. Patridge,	no		*
Rhode-Island,	Mr. Ellery,	no	}	no
	Mr. Cornell,	no		



Connecticut,	Mr. Law,	ay	} divided.
	Mr. Wolcott,	no	
New-York,	Mr. Scott,	ay	} divided.
	Mr. Floyd,	no	
New-Jersey,	Mr. Clark,	no	} no
	Mr. Elmer,	no	
	Mr. Boudinot,	no	
	Mr. Condict,	no	
Pennsylvania,	Mr. Montgomery,	ay	} no
	Mr. Smith,	no	
	Mr. Clymer,	no	
	Mr. Atlee,	no	} *
Delaware,	Mr. Wharton,	no	
Maryland,	Mr. Carroll,	no	} *
Virginia,	Mr. Jones,	ay	
	Mr. Madison,	ay	} ay
	Mr. Bland,	ay	
	Mr. Lee,	ay	
South-Carolina,	Mr. Middleton,	ay	} ay
	Mr. Bee,	ay	
Georgia,	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	

So the question was lost.

FRIDAY, April 19, 1782.

A report from the secretary at war was read, stating the inconvenience that may arise from the sale of the vessel lately used for a prison-ship in the harbour of Boston.

*Ordered*, That it be referred to the superintendant of finance, as agent of marine, to confer with the secretary at war, and take order in the matter.

On a report of the secretary at war, to whom was referred a memorial of W. Turnbull & Co.

*Resolved*, That the full sum paid by Messrs. Turnbull & Co. to the treasurer of the United States, for three pair of six pound cannon, sold with carriages, of which they are destitute, be returned to them, and the bargain considered as null and void.

On the report of the secretary at war, to whom was referred a petition of lieutenant Stratton,

*Resolved*, That it be recommended to the state of Massachusetts, to settle the pay and depreciation of pay due to lieutenant Aaron Stratton, from the 1st of September, 1776, to the 21st of January, 1781, upon his producing certificates from the pay-master-general of the army, and commissary-general of prisoners, of the sums they have respectively paid to him on the above account, and to pay the same, charging the money so paid to the account of the United States.

On a report of a committee, consisting of Mr. Ellery, Mr. Scott and Mr. Montgomery, to whom was referred a letter of April 6th, from the superintendant of finance, as agent of marine, respecting a claim of Mr. Jacobus Wynkoop.

*Resolved*, That it be recommended to the state of New-York to



make up the depreciation on the pay which Jacobus Wynkoop hath received, and that upon his producing vouchers to ascertain the period when his actual services ceased, his accounts be finally settled at the treasury office of the United States, and whatever balance may be then found due to him, be put upon interest in the same manner as the balances of other public creditors.

The report of a committee, consisting of Mr. Carroll, Mr. Atlee and Mr. Cornell, to whom was referred a letter of 21st of February, from the governor of Connecticut, and a representation from the inhabitants of the western country, was called for; and that part of the report so far as it relates to the letter of the governor of Connecticut, being read, namely,

“That the ten companies mentioned in governor Trumbull’s letter of the 21st of February, 1782, to be raised for the defence of the state of Connecticut, be paid and subsisted while in actual service at the general expense, on the same terms as the troops on the continental establishment: provided the said state shall first fill up their quota of troops for the continental army; and that the officers be in proportion to the number of men in the field.”

A motion was made by the delegates of Connecticut, to strike out the words after provided, and in lieu thereof to insert, “that no more officers be paid than those on the continental establishment, belonging to the line of said state in the continental army, unless the non-commissioned officers and privates in said line, and the levies both together, exceed the quota on the continental establishment; in that case the officers to be paid in proportion to the number of such overplus, non-commissioned officers and privates, and that the said ten companies be under the orders of the commander in chief of the army of the United States.”

And on the question to agree to this amendment, the yeas and nays being required by Mr. Law,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
<i>Massachusetts,</i>	Mr. Patridge,	ay		
	Mr. Osgood,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Ellery,	ay		
	Mr. Cornell,	ay	}	ay
<i>Connecticut,</i>	Mr. Law,	ay		
	Mr. Wolcott,	ay	}	ay
<i>New-York,</i>	Mr. Scott,	no		
	Mr. Floyd,	ay	}	divided.
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Elmer,	no	}	no
	Mr. Boudinot,	no		
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
	Mr. Atlee,	no	}	no
<i>Delaware,</i>	Mr. Dickinson,	no		
	Mr. Wharton,	no		
<i>Maryland,</i>	Mr. Carroll,	ay	}	*



<i>Virginia,</i>	Mr. Jones,	no	}	no
	Mr. Madison,	no		
	Mr. Bland,	no		
	Mr. Lee,	ay		
<i>South-Carolina,</i>	Mr. Middleton,	no	}	no
	Mr. Bee,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		

So it passed in the negative.

A motion was then made by Mr. Wolcott, seconded by Mr. Cornell, to strike out the word "provided," and what follows to the end; and the question being put, "shall the words moved to be struck out stand?"

Passed in the negative.

A motion was then made by the delegates of Connecticut, to amend the report by adding the words following, "provided that no more officers be paid than those on the continental establishment, belonging to the line of the said state in the continental army, unless the non-commissioned officers and privates in the said line, and the levies both together, exceed the quota on the continental establishment; in that case the officers to be paid in proportion to the number of such overplus, non-commissioned officers and privates; and that the said ten companies be under the orders of the commander in chief, to operate any where within the United States."

A motion was made by Mr. Clark, seconded by Mr. Cornell, to strike out the words, "to operate any where within the United States," and in lieu thereof to insert,

"Provided always, that no pay or subsistence be allowed to said troops on account of the United States, unless the state of Connecticut, shall by law put the said troops under the command of the commander in chief of the army of the United States, to operate wherever he shall direct: and that they be paid and subsisted by the United States, for such time only as they shall be employed in the service of the United States, by the express orders of the commander in chief.

On the question to agree to this amendment to the amendment, the yeas and nays being required by Mr. Wolcott,

<i>New-Hampshire,</i>	Mr. Livermore,	no	}	*
	Mr. Patridge,	ay		
<i>Massachusetts,</i>	Mr. Osgood,	ay	}	ay
	Mr. Ellery,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	ay
	Mr. Law,	ay		
<i>Connecticut,</i>	Mr. Wolcott,	ay	}	ay
	Mr. Scott,	no		
<i>New-York,</i>	Mr. Floyd,	ay	}	divided.
	Mr. Clark,	ay		
<i>New-Jersey,</i>	Mr. Elmer,	ay	}	ay
	Mr. Boudinot,	ay		
	Mr. Condict,	ay		



<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	} <i>divided.</i>
	Mr. <i>T. Smith,</i>	ay	
	Mr. <i>Clymer,</i>	no	
	Mr. <i>Atlee,</i>	no	
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	ay	} ay
	Mr. <i>Wharton,</i>	ay	
<i>Maryland,</i> <i>Virginia,</i>	Mr. <i>Carroll,</i>	ay	} *
	Mr. <i>J. Jones,</i>	no	
	Mr. <i>Madison,</i>	no	
	Mr. <i>Bland,</i>	no	
	Mr. <i>Lee,</i>	ay	
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	no	} <i>divided.</i>
	Mr. <i>Bee,</i>	ay	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay	} ay
	Mr. <i>N. W. Jones,</i>	ay	

So the question was lost.

On the question to agree to the amendment, the yeas and nays being required by Mr. Wolcott,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	no	} *
	Mr. <i>Patridge,</i>	ay	
<i>Massachusetts,</i>	Mr. <i>Osgood,</i>	ay	} ay
	Mr. <i>Ellery,</i>	ay	
<i>Rhode-Island,</i>	Mr. <i>Cornell,</i>	ay	} ay
	Mr. <i>Law,</i>	ay	
<i>Connecticut,</i>	Mr. <i>Wolcott,</i>	ay	} ay
	Mr. <i>Scott,</i>	no	
<i>New-York,</i>	Mr. <i>Floyd,</i>	ay	} <i>divided.</i>
	Mr. <i>Clark,</i>	no	
<i>New-Jersey,</i>	Mr. <i>Elmer,</i>	no	} <i>divided.</i>
	Mr. <i>Boudinot,</i>	ay	
	Mr. <i>Condict,</i>	ay	
	Mr. <i>Montgomery,</i>	no	
<i>Pennsylvania,</i>	Mr. <i>Smith,</i>	no	} no
	Mr. <i>Clymer,</i>	no	
	Mr. <i>Atlee,</i>	no	
	Mr. <i>Dickinson,</i>	no	
<i>Delaware,</i>	Mr. <i>Wharton,</i>	no	} no
	Mr. <i>Carroll,</i>	ay	
<i>Maryland,</i> <i>Virginia,</i>	Mr. <i>J. Jones,</i>	no	} *
	Mr. <i>Madison,</i>	no	
	Mr. <i>Bland,</i>	no	
	Mr. <i>Lee,</i>	no	
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	no	} no
	Mr. <i>Bee,</i>	no	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay	} ay
	Mr. <i>N. W. Jones,</i>	ay	

So the question was lost.

On the question to agree to the report as amended, the yeas and nays being required by Mr. Law,



<i>New-Hampshire,</i>	Mr. Livermore,	no	} *
<i>Massachusetts,</i>	Mr. Patridge,	ay	
	Mr. Osgood,	no	
<i>Rhode-Island,</i>	Mr. Ellery,	no	} divided.
	Mr. Cornell,	no	
<i>Connecticut,</i>	Mr. Law,	ay	} no
	Mr. Wolcott,	ay	
<i>New-York,</i>	Mr. Scott,	no	} ay
	Mr. Floyd,	no	
<i>New-Jersey,</i>	Mr. Clark,	no	} no
	Mr. Elmer,	no	
	Mr. Boudinot,	no	
	Mr. Condict,	no	} no
<i>Pennsylvania,</i>	Mr. Montgomery,	no	
	Mr. Smith,	no	
	Mr. Clymer,	no	
	Mr. Atlee,	no	} no
<i>Delaware,</i>	Mr. Dickinson,	no	
	Mr. Wharton,	no	} *
<i>Maryland,</i>	Mr. Carroll,	no	
<i>Virginia,</i>	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Bland,	no	
<i>South-Carolina,</i>	Mr. Middleton,	no	} no
	Mr. Bee,	no	
<i>Georgia,</i>	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	

So it passed in the negative.

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SATURDAY, April 20, 1782.

On report of a committee, consisting of Mr. N. W. Jones, Mr. Clark and Mr. Patridge, to whom was referred a memorial of John Edgar :

*Resolved,* That the superintendant of finance be, and hereby is directed to afford to the said John Edgar, such assistance as he may think reasonable for his support, until he be employed in such business as to render such assistance unnecessary, provided it shall not exceed one year.

A committee, consisting of Mr. Bland, Mr. Wolcott and Mr. Atlee, to whom was referred a letter of the 11th of March, 1782, from major-general Greene, having delivered in a report, and the report being read :

*Ordered,* That it be referred to the superintendant of finance and secretary at war to take order.

A letter, of the 19th, from Jonas Fay, Moses Robinson and Isaac Tichenor, was read ; whereupon a motion was made by Mr. J. Jones, seconded by Mr. Madison, in the words following :

“ Jonas Fay, Moses Robinson and Isaac Tichenor, styling themselves agents and delegates from the state of Vermont, having in their letter of the 19th inst. informed Congress, “ that in consequence of



the faith of Congress, pledged to them in and by a resolution of the 20th of August last, and by official advice from sundry gentlemen of the first characters in America, the legislature of Vermont have been prevailed upon to comply in the most ample manner with the resolution aforesaid."

*Resolved*, That the secretary be directed to apply to the said Jonas Fay, Moses Robinson and Isaac Tichenor, and request them to communicate to him the said official advice, together with the names of the gentlemen from whom the same was received."

On the question to agree to this, the yeas and nays being required by Mr. J. Jones,

<i>New-Hampshire,</i>	Mr. <i>Livermore,</i>	<i>no</i>	}	*
<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>no</i>		
	Mr. <i>Osgood,</i>	<i>no</i>	}	<i>no</i>
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Cornell,</i>	<i>no</i>		
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Wolcott,</i>	<i>no</i>		
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Floyd,</i>	<i>ay</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Boudinot,</i>	<i>no</i>		
	Mr. <i>Condict,</i>	<i>no</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Clymer,</i>	<i>no</i>		
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	<i>no</i>	}	*
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Jones,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Madison,</i>	<i>ay</i>		
	Mr. <i>Bland,</i>	<i>no</i>		
	Mr. <i>Lee,</i>	<i>ay</i>		
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bee,</i>	<i>ay</i>		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>N. W. Jones,</i>	<i>no</i>		

So the question was lost.

MONDAY, April 22, 1782.

Pursuant to the resolution of 27th of February last, the superintendent of finance reports, that he means to appoint Mr. Jonathan Burrell, of the state of Connecticut, a commissioner to settle the accounts in the commissary's department, unless Congress disapprove the choice.

On a report of a committee, consisting of Mr. Cornell, Mr. Montgomery and Mr. Dickinson, to whom was referred a report of the secretary at war:

*Resolved*, That from and after the first day of May next, all resolves of Congress heretofore passed relative to rations, subsistence or allowances to officers, over and above their pay and what they are entitled to from the quarter-master's department, except the allowance



to the general commanding the southern army, be, and they are hereby repealed: that from and after the first day of May next, each officer shall be entitled to draw daily the number of rations, and to receive monthly as subsistence the number of dollars and parts of dollars, affixed to their several ranks, viz.

	Rations per day.	Dollars per month.
A major-general,	5	31 $\frac{60}{90}$ ths.
A brigadier-general,	4	25 $\frac{30}{90}$ ths.
A colonel,	2	12 $\frac{60}{90}$ ths.
A lieutenant-colonel commandant,	2	12 $\frac{60}{90}$ ths.
A lieutenant-colonel,	1 $\frac{1}{2}$	11
Major,	1 $\frac{1}{2}$	8
Chaplain,	1 $\frac{1}{2}$	8
Captain,	1	6 $\frac{30}{90}$ ths.
Subaltern,	1	3 $\frac{15}{90}$ ths.
Surgeon,	1 $\frac{1}{2}$	4 $\frac{60}{90}$ ths.
Surgeon's-mate,	1	3 $\frac{15}{90}$ ths.
Quarter-master-general,	4	25 $\frac{30}{90}$ ths.
Deputy quarter-master with the } southern army,	2	12 $\frac{60}{90}$ ths.
Deputy pay-master with ditto,	1 $\frac{1}{2}$	11
Deputy clothier with the army,	1	3 $\frac{15}{90}$ ths.
Deputy post-master of the army,	1	
Commissary of forage,	1 $\frac{1}{2}$	11
Field commissary,	1	6 $\frac{30}{90}$ ths.
Ditto, southern army,	1	6 $\frac{30}{90}$ ths.
Director-general of the hospital,	2	
Chief physician and surgeon,	2	
Hospital surgeon,	1	
mate,	1	
steward,	1	
ward-master,	1	

All officers in the line of the army employed in any of the staff-departments, shall be entitled, while acting therein, to draw the same number of rations and like subsistence to which they are entitled by their ranks in the army; and when any persons, not in the line of the army, are employed in any of the staff-departments, they shall be entitled to draw the same number of rations and subsistence as officers of the line, acting in similar stations in the staff with them, are entitled to draw.

No compensation shall hereafter be made to those officers who may neglect to draw rations to which they are entitled.

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TUESDAY, April 23, 1782.

On a report of the secretary at war:

*Resolved*, That Mr. Appleton, the commissioner of the continental loan-office in the state of Massachusetts, be, and hereby is directed to charge the United States with the sum of 16,666 $\frac{60}{90}$  dollars, new emission, advanced for the use of the quarter-master-general's department; and that colonel Pickering, quarter-master-general, give a receipt for and be debited with the same sum.

On report of a committee, consisting of Mr. Carroll, Mr. Boudinot



and Mr. Clark, to whom was referred a letter of the 12th March, from Thomas Edifon :

*Resolved*, That the superintendant of finance be, and hereby is directed to afford the said Thomas Edifon, such assistance as he may think reasonable for his support, until he be employed in such business as to render such assistance unnecessary, provided it shall not exceed one year.

On a report from the secretary at war, of the 23d of March, 1782,

*Resolved*, That all such sick and wounded soldiers of the armies of the United States, who shall in future be reported by the inspector-general, or the inspector of a separate department, and approved by the commander in chief or commanding-officer of a separate department, as unfit for farther duty, either in the field or in garrison, and who apply for a discharge in preference to being placed or continued in the corps of invalids, shall be discharged, and be entitled to receive as a pension five dollars per month, in lieu of all pay and emoluments.

*Resolved*, That it be, and hereby is recommended to the several states to discharge such pensions annually, and draw on the superintendant of finance for the payment of the money they shall so advance.

On a report from the secretary at war, to whom was referred a report of a committee, consisting of Mr. Cornell, Mr. Scott and Mr. Dickinson, on a motion of Mr. Scott, a letter from the superintendant of finance, and a report of the secretary at war on the said letter, Congress came to the following resolution :

Whereas the most strict economy in the public expenditures is absolutely necessary for a vigorous prosecution of the war ; and whereas to that end it is requisite, to discontinue the practice of filling some of the places in the staff-departments, with persons not of the line of the army, which places may with great savings to the public be filled by supernumerary officers from the line.

*Resolved*, therefore, That in future there be only ten lieutenants to each regiment of infantry, to be employed in the regimental line and staff, the regimental pay-master to be considered as not attached to any company :

That the supernumerary junior lieutenants, beyond the number of ten in each regiment of infantry, be reduced ; unless the officers of the regiment shall otherwise agree, as to those that shall retire according to the resolutions of the 3d and 21st of October, 1780, and shall accordingly retire on or before the 1st day of June next, if in the main-army, and the 1st day of July next, if in the southern-army, except such of them as shall accept of employments in the staff-departments, with the approbation of the heads of the respective departments, in which case they shall severally retain their respective ranks in the army, and be entitled to the full pay and subsistence belonging to their rank in the line, as a compensation for their respective services in the staff, without any other allowance whatsoever ; provided always, that nothing contained in the above resolution, shall affect the pay or rank of any officers in captivity during such captivity.

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FRIDAY, April 26, 1782.

A letter, of the 24th, from the superintendant of finance, was read,



respecting the accounts and claims of captain Landais; whereupon, the report of a committee, consisting of Mr. N. W. Jones, Mr. Clark and Mr. Patridge, to whom was referred a memorial of captain P. Landais, was called for, which being read,

*Resolved*, That the report of the committee on captain Landais's memorial be rejected, that the said memorial be dismissed, and that Congress approve of the steps taken in his case by the superintendant of finance.

On the report of a committee, consisting of Mr. Montgomery, Mr. Floyd, Mr. Olgood, to whom was referred a report of the secretary at war, on a letter from colonel Baldwin:

*Resolved*, That Jeduthun Baldwin, colonel of engineers in the army of the United States, be considered as a supernumerary officer retiring from the service; and that he be entitled according to his present pay to equal emoluments, which shall be received by the officers of the line, who retired under the resolutions of Congress of the 3d and 21st of October, 1780.

On a report of a committee, consisting of Mr. Montgomery, Mr. Bland and Mr. Dickinson, to whom was referred a report of the delegates of Pennsylvania, Maryland and Virginia, on a memorial of colonel Carrington:

*Resolved*, That lieutenant-colonel Carrington be informed, that the 7th article of the confederation having reserved to the states, the right of appointing all officers of and under the rank of colonels for the forces respectively raised by them, and of filling up all vacancies of such officers, Congress cannot appoint him to the vacancy in the command of the 4th regiment of artillery raised by the state of Pennsylvania.

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MONDAY, April 29, 1782.

Mr. Wright, a delegate for the state of Maryland, attended, and took his seat.

A letter, of the 20th, from the commander in chief, was read, together with the copy of a memorial from the inhabitants of the county of Monmouth, in the state of New-Jersey, and sundry affidavits respecting the death of captain Joshua Huddy; who, after being a prisoner some days with the enemy in New-York, was sent out with a party of refugees, and most cruelly and wantonly hanged on the heights of Middle-town.

These papers being committed, and the committee, consisting of Mr. Bondinot, Mr. Scott and Mr. Bee, having reported thereon:

*Resolved*, That Congress having deliberately considered the said letter and the papers attending it, and being deeply impressed with the necessity of convincing the enemies of these United States, by the most decided conduct, that the repetition of their unprecedented and inhuman cruelties, so contrary to the laws of nations and of war, will no longer be suffered with impunity, do unanimously approve of the firm and judicious conduct of the commander in chief in his application to the British general at New-York, and do hereby assure him of their firmest support in his fixed purpose of exemplary retaliation.

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TUESDAY, April 30, 1782.

On a report of the secretary at war on a memorial of capt. Schreiber:



*Resolved*, That the pay and depreciation of a lieutenant of artillery be allowed to captain Schrieber, from the 26th day of November, 1779, to the 2d of March, 1780; and that his accounts for pay as captain of engineers, from the 2d day of March, 1780, to the 1st day of May, 1782, be settled on like principles with the accounts of other foreign officers retiring from the service.

On motion of Mr. Madison, seconded by Mr. Montgomery,

*Ordered*, That the superintendant of finance do prepare and lay before Congress, a state of the monies borrowed and not repaid by the United States, prior to the first day of January last; and that he also lay before Congress every half year, computing from the said first day of January, a state of all monies borrowed and bills emitted during such periods respectively, that the same may be transmitted to the respective states pursuant to the direction contained in the 9th article of the confederation.

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WEDNESDAY, May 1, 1782.

Mr. William Few, a delegate for the state of Georgia, attended, and produced credentials under the great seal of the state, by which it appears that the hon. Edward Telfair, Noble Wimberley Jones, and William Few, are appointed delegates in the Congress of the United States of America, to continue in office until the first Tuesday in January, 1783.

The order of the day for taking into consideration the report of the committee, consisting of Mr. Boudinot, Mr. Varnum, Mr. Jenifer, Mr. Smith and Mr. Livermore, on the cessions of New-York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, being called for by the delegates of Virginia, and the report being read through, and the first paragraph again read from the chair, the motion of the 18th of April as then amended, was moved by Mr. Bland, seconded by Mr. Clark, viz.

“ That the report under consideration be postponed; that previous to any determination in Congress relative to the cessions of the western lands, the name of each member present be called over by the secretary; that on such call, each member do declare upon his honor, whether he is or is not personally interested, directly or indirectly, in the claims of any company or companies, which have petitioned against the territorial rights of any one of the states by whom such cessions have been made, and that such declaration be entered on the journal:”

A motion was made by Mr. Clark, seconded by Mr. Ellery, to strike out the words “ that the report under consideration be postponed,” and in lieu thereof to insert, “ inasmuch as the report under consideration is of a nature, in which all the several states are essentially interested and consequently ought to have notice, and an opportunity to be present by their representatives in Congress at the determination thereof, there being but nine states represented at this time, that therefore the said report be postponed until the first day of August next; and that the executive authority of the several states be informed thereof, and furnished with copies of the said report, in order that each state may be fully represented, and their delegates properly instructed upon the subject at that time.”



On the question to agree to the amendment, the yeas and nays being required by Mr. Scott,

<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Osgood,</i>	<i>ay</i>		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Cornell,</i>	<i>ay</i>		
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>ay</i>	}	*
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>no</i>		
	Mr. <i>Floyd,</i>	<i>no</i>	}	<i>no</i>
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>ay</i>		
	Mr. <i>Boudinot,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Condict,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Smith,</i>	<i>ay</i>		
	Mr. <i>Clymer,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Atlee,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Wharton,</i>	<i>ay</i>	}	*
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>ay</i>		
	Mr. <i>Wright,</i>	<i>ay</i>	}	<i>ay</i>
<i>Virginia,</i>	Mr. <i>J. Jones,</i>	<i>no</i>		
	Mr. <i>Madison,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Bland,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Middleton,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Bee,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>N. W. Jones,</i>	<i>no</i>		
	Mr. <i>Few,</i>	<i>no</i>	}	<i>no</i>

So the question was lost.

A division of the motion was then called for, and on the question to agree to the first part, namely, "that the report under consideration be postponed; the yeas and nays were required by Mr. Bland.

The report being as follows:

"The committee, to whom the cessions of New-York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, were referred, do report, that having had a meeting with the agents on the part of New-York, Connecticut and Virginia, the agents for New-York and Connecticut laid before your committee their several claims to the lands said to be contained in their several states, together with vouchers to support the same; but the delegates on the part of Virginia declining any elucidation of their claim, either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said state by Congress, delivered to your committee the written paper hereto annexed and numbered twenty.

That your committee have carefully examined all the vouchers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid, and having maturely considered the same, are unanimously of opinion, and do report the following resolutions:

*Resolved,* That Congress do in behalf of the United States, accept



the cession made by the state of New-York, as contained in the instrument of writing executed for that purpose by the agents of New-York, dated the       day of       last past, and now among the files of Congress; and that the president do take the proper measures to have the same legally authenticated, and registered in the public records of the state of New-York.

The reasons that induced your committee to recommend the acceptance of this cession are,

1st. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians and their tributaries, have been in due form put under the protection of the crown of England by the said Six Nations, as appendant to the late government of New-York, so far as respects jurisdiction only.

2d. That the citizens of the said colony of New-York, have borne the burthen, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians and their tributaries for upwards of 100 years last past, as the dependants and allies of the said government.

3d. That the crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New-York.

4th. That the neighbouring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations and their tributaries, to be appendant to the government of N. York.

5th. That by Congress accepting this cession the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the union.

*Resolved*, That Congress do earnestly recommend to the states of Massachusetts and Connecticut, that they do without delay release to the United States in Congress assembled, all claims and pretensions of claim to the said western territory, without any conditions, or restrictions whatever.

*Resolved*, That Congress cannot, consistent with the interests of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the state of Virginia, or guarantee the tract of country claimed by them in their act of cession referred to your committee.

#### R E A S O N S.

1st. It appeared to your committee from the vouchers laid before them, that all the lands ceded or pretended to be ceded to the United States by the state of Virginia, are within the claims of the states of Massachusetts, Connecticut and New-York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

2d. It appeared that great part of the lands claimed by the state of Virginia and requested to be guaranteed to them by Congress, is also within the claim of the state of New-York, being also a part of the country of the said Six Nations and their tributaries.



3d. It also appeared that a large part of the lands last aforesaid, are to the westward of the west boundary line of the late colony of Virginia, as established by the king of Great Britain in council previous to the present revolution.

4th. It appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great-Britain before the declaration of independence, by persons claiming the absolute property thereof.

5th. It appeared that in the year 1763, a very large part thereof was separated and appointed for a distinct government and colony by the king of Great-Britain, with the knowledge and approbation of the government of Virginia.

6th. The conditions annexed to the said cession are incompatible with the honour, interests and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

*Resolved*, That it be earnestly recommended to the state of Virginia, as they value the peace, welfare and increase of the United States, that they re-consider their said act of cession, and by a proper act for that purpose, cede to the United States, all claims and pretensions of claim to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great-Britain, and agreeable to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

Your committee farther report, that they have had a conference with the agents for the several petitioners, calling themselves the Indiana, Vandalia, Illinois and Wabash companies, and also of colonel Croghan, and have seen and carefully examined their several vouchers and deeds; to which conference your committee invited the delegates for Connecticut, New-York and Virginia, but the delegates for Virginia refused to attend.

On the whole, your committee are of opinion, that the purchases of colonel Croghan and the Indian company, were made *bona fide*, for a valuable consideration, according to the then usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the crown of Great-Britain, the then governments of New-York and Virginia, and therefore do recommend that it be

*Resolved*, That if the said lands are finally ceded or adjudged to the United States in point of jurisdiction, that Congress will confirm to such of the said purchasers, who are and shall be citizens of the United States, or either of them, their respective shares and proportions of said lands, making a reasonable deduction for the value of the quit-rents reserved by the crown of England.

It appeared to your committee, that divers persons residing in and being subjects of Great-Britain, and now enemies of these United States, together with divers citizens of these United States (but who bear a small proportion to the whole number of the company) applied to the crown of England in the year \_\_\_\_\_ and agreed to purchase the tract of land called Vandalia, lying on the back of Virginia, from the Alegheny mountains west to the river \_\_\_\_\_ and which was agreed to be erected into a colony by the king and council: that the



faid agreement and purchase was completed all to affixing the seals and passing the usual forms of office, by which the said company were put to very great expenses in negotiating the same, as appears by the paper writings hereunto annexed. But as it is altogether incompatible with the interests, government, and policy of these United States, to permit such immoderate and extravagant grants of lands to be vested in individual citizens of these states, they cannot in justice to the United States recommend the confirmation and establishment of the said purchases, in case the said lands should be ceded or adjudged to the United States: but in order to do the strictest justice to such of the said company who are and shall remain citizens of these United States or any of them, your committee propose the following resolution:

*Resolved*, In case the said lands shall be ceded or adjudged to these United States in Congress assembled, that on the said purchasers, or such of them as shall remain citizens of these United States, releasing to Congress all their and each of their rights, title, claim and demand, to all and every part of the said lands to and for the use of the United States, Congress will fully and amply reimburse to them and each of them, their heirs and assigns, their and each of their full shares and proportions of all their purchase-money, expenses and charges, accrued on the said lands, by distinct and separate grants of lands out of the said several tracts of land, to the full amount and value thereof.

Your committee also having fully considered the petition of the Illinois and Wabash companies, do report the following resolution:

*Resolved*, That the petition of the Illinois and Wabash companies be dismissed.

#### R E A S O N S.

1st. It appeared to the committee by the confession of the agent for the company, that the said purchases had been made without licence of the then government or other public authority, and as your committee conceive, contrary to the common and known usage in such case established.

2d. That the said purchases were made of certain Indians without any public treaty or other proper act of notoriety.

3d. That one of the deeds begins on the north side of the Illinois river, and contains only a number of lines without comprehending any land whatever.

4th. The Wabash purchase has been made since the present revolution, when Congress had an agent for Indian affairs residing at Fort-Pitt who had no notice thereof.

5th. That the Six Nations and their tributaries claim the same lands, in opposition to the Indians conveying the same in the deeds to said companies.

Your committee having been convinced in the course of their investigation of this business, that many inconveniences will arise to the citizens of these United States, unless the jurisdiction of the United States in Congress assembled, with regard to Indian affairs, is more clearly defined and established, do recommend the following resolutions for the consideration of Congress:

*Resolved*, That the sole right of superintending, protecting, treat-



ing with, and making purchases of the several Indian nations situate and being without the bounds of any of the different states in the union, is necessarily vested in the United States in Congress assembled, for the benefit of the United States, and in no other person or persons whatever within the said states.

*Resolved*, That no person or persons, citizens of these United States, or any particular state in the union in their separate capacity, can or ought to purchase any unappropriated lands belonging to the Indians without the bounds of their respective states, under any pretence whatsoever.

*Resolved*, That whenever the United States in Congress assembled, shall find it for the good of the union, to permit new settlements on unappropriated lands, they will erect a new state or states, to be taken into the federal union, in such manner that no one state so erected shall exceed the quantity of 130 miles square, and that the same shall be laid out into townships of the quantity of about six miles square.

*Resolved*, That whenever such new state or states shall be erected by Congress, they will make good all reasonable engagements made to the officers and soldiers in the United States, or any of them.

*Resolved*, That whenever such new states shall be erected, that the *bona fide* settlers within the same, at the time of the erection of such states, shall be confirmed in their respective titles to their reasonable settlements, on the same terms as shall be allowed to other new settlers.

*Resolved*, That Congress will reimburse all just and reasonable expenses, that may have heretofore accrued to any of the states since the present revolution, in conquering, protecting or defending, any of the unappropriated lands so erected into a state or states.

*Resolved*, That nothing herein before determined by Congress, shall be construed so as to suppose any claim or right in Congress, in point of property of soil, to any lands belonging to the Indian nations, unless the same have been *bona fide* purchased of them by the crown of England, or which may hereafter be purchased by the United States in Congress assembled, for the use of the United States, and that at a public treaty to be held for that purpose."

On the question for postponing,

Massachusetts,	Mr. Patridge,	ay	}	ay
	Mr. Osgood,	ay		
Rhode-Island,	Mr. Ellery,	ay	}	ay
	Mr. Cornell,	ay		
Connecticut,	Mr. Law,	ay	}	*
New-York,	Mr. Scott,	no		
	Mr. Floyd,	no	}	no
New-Jersey,	Mr. Clark,	ay		
	Mr. Boudinot,	ay	}	ay
	Mr. Condict,	ay		
Pennsylvania,	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay	}	ay
	Mr. Atlee,	ay		
Delaware,	Mr. Wharton,	ay	}	*



<i>Maryland,</i>	Mr. Carroll,	ay	} ay
	Mr. Wright,	ay	
<i>Virginia,</i>	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Bland,	no	
<i>South-Carolina,</i>	Mr. Middleton,	no	} no
	Mr. Bee,	no	
<i>Georgia,</i>	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	
	Mr. Few,	no	

So the question was lost.

A motion was then made by Mr. Ellery, seconded by Mr. Cornell, to adjourn ; on which the yeas and nays being required by Mr. Bland,

<i>Massachusetts,</i>	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	
<i>Rhode-Island,</i>	Mr. Ellery,	ay	} ay
	Mr. Cornell,	ay	
<i>Connecticut,</i>	Mr. Law,	no	} *
	Mr. Scott,	no	
<i>New-York,</i>	Mr. Floyd,	ay	} divided.
	Mr. Clark,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} ay
	Mr. Smith,	ay	
<i>Pennsylvania,</i>	Mr. Clymer,	ay	} ay
	Mr. Atlee,	ay	
	Mr. Wharton,	ay	
<i>Delaware,</i>	Mr. Carroll,	ay	} ay
	Mr. Wright,	ay	
<i>Virginia,</i>	Mr. Jones,	no	} no
	Mr. Madison,	no	
	Mr. Bland,	no	
<i>South-Carolina,</i>	Mr. Middleton,	no	} no
	Mr. Bee,	no	
<i>Georgia,</i>	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	
	Mr. Few,	no	

So the house was adjourned till to-morrow.

THURSDAY, May 2, 1782.

Mr. J. Rutledge, Mr. Ramsay and Mr. A. Middleton, delegates for the state of South-Carolina, attended, and produced credentials ; by which it appears that on the 31st of January, 1782, the hon. John Rutledge, David Ramsay, Ralph Izard, John Lewis Gervais, and Arthur Middleton, were elected delegates to represent the state of South-Carolina in Congress.

A motion was made by Mr. Bland, seconded by M. Madison,

“ That the question be now taken on the proposition contained in the words following, that previous to any determination, &c. (as recited yesterday) the same being the remainder of a proposition, on the first part of which a vote was yesterday taken on a call for a division, and now entitled to decision without debate.”



An objection was made to this motion as out of order,  
And on the question, "is the motion in order?" The yeas and  
nays being required by Mr. Bland,

Massachusetts,	Mr. <i>Patridge,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Osgood,</i>	<i>no</i>		
Rhode-Island,	Mr. <i>Ellery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Cornell,</i>	<i>no</i>		
Connecticut,	Mr. <i>Law,</i>	<i>no</i>	}	*
New-York,	Mr. <i>Scott,</i>	<i>ay</i>		
	Mr. <i>Floyd,</i>	<i>no</i>	}	<i>divided.</i>
New-Jersey,	Mr. <i>Clark,</i>	<i>no</i>		
	Mr. <i>Boudinot,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Condict,</i>	<i>no</i>		
Pennsylvania,	Mr. <i>Montgomery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Smith,</i>	<i>no</i>		
	Mr. <i>Clymer,</i>	<i>no</i>		
	Mr. <i>Atlee,</i>	<i>no</i>		
Maryland,	Mr. <i>Carroll,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Wright,</i>	<i>no</i>		
Virginia,	Mr. <i>Madison,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bland,</i>	<i>ay</i>		
South-Carolina,	Mr. <i>Rutledge,</i>	} <i>excused, they having</i>		
	Mr. <i>Ramsay,</i>			
	Mr. <i>Middleton,</i>	<i>no</i>	}	<i>no</i>
Georgia,	Mr. <i>Telfair,</i>	<i>ay</i>		
	Mr. <i>N. W. Jones,</i>	<i>no</i>		
	Mr. <i>Few,</i>	<i>no</i>		

So it passed in the negative.

The secretary for foreign affairs informed Congress, that the hon.  
the minister plenipotentiary of France has received a letter from his  
most Christian majesty to the United States in Congress assembled,  
announcing the birth of a dauphin, and that the minister desires a pub-  
lic audience at which he may deliver the letter; whereupon,

*Ordered,* That Monday the 13th instant, at twelve o'clock, be  
assigned for the public audience.

FRIDAY, May 3, 1782.

On a report from the secretary at war:

*Resolved,* That as the dispersed situation of the corps of artificers  
commanded by captain Wyley, will no longer require the services of  
Dr. A. M. Coskey, surgeon, and Dr. W. M. Coskey, his mate, they  
be considered as reduced and retiring from service on the 10th inst.  
and that the surgeon be entitled to all the emoluments heretofore al-  
lowed to reduced regimental-surgeons.

A report from the secretary at war, which was yesterday brought  
in, and on which no order was made, being taken up by the president,  
the order of the day was called for by the state of Virginia, and a mo-  
tion was made by Mr. Madison, seconded by Mr. Bland,

"That the sense of the house be taken, whether it be in order to  
take into consideration a report from the secretary at war which was



read yesterday by the secretary, and has since lain on the table, unless the same be called for by a member."

On which the yeas and nays being required by Mr. Madison,

<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	ay	}	ay
	Mr. <i>Osgood,</i>	ay		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	ay	}	ay
	Mr. <i>Cornell,</i>	ay		
<i>Connecticut,</i>	Mr. <i>Law,</i>	ay	}	*
<i>New-York,</i>	Mr. <i>Scott,</i>	no	}	divided.
	Mr. <i>Floyd,</i>	ay		
<i>New-Jersey,</i>	Mr. <i>Boudinot,</i>	ay	}	ay
	Mr. <i>Condict,</i>	ay		
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	}	ay
	Mr. <i>Smith,</i>	ay		
	Mr. <i>Clymer,</i>	ay		
	Mr. <i>Atlee,</i>	ay		
<i>Maryland,</i>	Mr. <i>Carroll,</i>	ay	}	ay
	Mr. <i>Wright,</i>	ay		
<i>Virginia,</i>	Mr. <i>Madison,</i>	no	}	no
	Mr. <i>Bland,</i>	no		
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	ay	}	ay
	Mr. <i>Ramsay,</i>	ay		
	Mr. <i>Middleton,</i>	no		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	no	}	no
	Mr. <i>N. W. Jones,</i>	no		

So the question was lost.

MONDAY, May 6, 1782.

On a report from the secretary at war, to whom was referred a petition of M. Dedevans :

*Resolved,* That Maurice Dedevans be, and hereby is entitled to draw four rations per day, until it shall be otherwise ordered by Congress.

The order of the day for taking into consideration the report of the committee on the petitions of New-York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies being called for by the state of Virginia, a motion was made by Mr. Montgomery, seconded by Mr. Osgood,

"That the order of the day be postponed."

On which the yeas and nays being required by Mr. Bland,

<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	ay	}	ay
	Mr. <i>Osgood,</i>	ay		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	ay	}	ay
	Mr. <i>Cornell,</i>	ay		
<i>Connecticut,</i>	Mr. <i>Law,</i>	ay	}	*
<i>New-York,</i>	Mr. <i>Scott,</i>	ay	}	ay
	Mr. <i>Floyd,</i>	ay		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	ay	}	ay
	Mr. <i>Boudinot,</i>	ay		
	Mr. <i>Condict,</i>	ay		



<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Smith,</i>	<i>ay</i>		
	Mr. <i>Clymer,</i>	<i>ay</i>		
	Mr. <i>Atlee,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Dickinson,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Wharton,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Carroll,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Wright,</i>	<i>ay</i>		
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Bland,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Ramsay,</i>	<i>no</i>		
	Mr. <i>Middleton,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>N. W. Jones,</i>	<i>ay</i>		
	Mr. <i>Few,</i>	<i>ay</i>		

So it was resolved in the affirmative.

The committee, consisting of Mr. Clark, Mr. Bland, Mr. Osgood, to whom was referred a letter of the 20th of April from the superintendant of finance, touching the appointment of an intendant of the army, brought in a report, which was taken into consideration, and the same being amended to read as follows :

“ That the superintendant of finance be authorized to appoint an inspector for the main and another for the southern army, to take care that the contracts for supplying rations be duly executed by the contractors : that the said inspectors shall also be fully empowered and directed to attend to the expenditures of public property in the several departments of the army, and report any fraud, neglect of duty or other misconduct by which the public property is wasted, or expense unnecessarily accumulated, so that the party charged therewith may be tried by court-martial on such charges exhibited against him by either of the said inspectors ; and that neither the said inspectors nor the said contractors, or their property, be liable to arrest or subject to martial law, except by the express order of the commander in chief, or commander of the army to which the inspectors shall be appointed, any resolution or act of Congress heretofore made notwithstanding : that the pay to each inspector be 166 $\frac{2}{3}$  dollars per month, in full of all allowances.”

A motion was made by Mr. Rutledge, seconded by Mr. Bland, to amend the report further by adding thereto, “ that the superintendant of finance be directed forthwith to make contracts for the supply of the southern army.”

On the question to agree to this amendment, the yeas and nays being required by Mr. Middleton,

<i>Massachusetts,</i>	Mr. <i>Osgood,</i>	<i>no</i>	}	<i>no</i>
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>no</i>		
	Mr. <i>Cornell,</i>	<i>no</i>		
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Floyd,</i>	<i>no</i>		
<i>New-Jersey,</i>	Mr. <i>Condict,</i>	<i>no</i>	}	*



Pennsylvania,	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
Delaware,	Mr. Dickinson,	no	}	no
	Mr. Wharton,	no		
Maryland,	Mr. Carroll,	no	}	divided.
	Mr. Wright,	ay		
Virginia,	Mr. Madison,	no	}	*
South-Carolina,	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Middleton,	ay		
Georgia,	Mr. Telfair,	ay	}	ay
	Mr. N. W. Jones,	ay		
	Mr. Few,	ay		

So the question was lost.

—•—

TUESDAY, May 7, 1782.

Mr. Root, a delegate for the state of Connecticut, attended, and took his seat in Congress.

On motion of Mr. Madison, seconded by Mr. Cornell,

*Resolved unanimously,* That a committee be appointed to confer with the superintendant of finance and secretary at war, on the practicability and means of procuring supplies for the southern-army by contracts, and report thereon.

The report of the committee which was yesterday under consideration, was taken up and agreed to as follows:

*Resolved,* That the superintendant of finance be, and hereby is authorized, to appoint an inspector for the main and southern army, to take care that the contracts for supplying rations be duly executed by the contractors; that the said inspectors shall also be, and they hereby are fully empowered and directed to attend to the expenditures of public property in the several departments of the army, and report any fraud, neglect of duty or other misconduct by which the public property is wasted, or expense unnecessarily accumulated, so that the party charged therewith may be tried by court-martial on such charges exhibited against him by either of the said inspectors; and that neither the said inspectors nor the said contractors, or their property, be liable to arrest or subject to martial law, except by the express order of the commander in chief, or commander of the army to which the inspectors respectively shall be appointed, any resolution or act of Congress heretofore made notwithstanding:

That the pay to each inspector be  $166\frac{2}{3}$  dollars per month in full of all allowances:

That each inspector when appointed, shall take an oath for the faithful and impartial execution of the trust reposed in him, as inspector of the contracts of the army.

On the report of a committee, consisting of Mr. Boudinot, Mr. Atlee and Mr. Rutledge, to whom was referred a letter of the 24th of April from the governor of Connecticut:

*Ordered,* That the secretary for foreign affairs inform our minister at the court of Versailles, that it is the desire of Congress that he



make application to the court of France, for direction to the commander of his most Christian majesty's navy in the West-Indies, to forward the number of prisoners due to these United States to some port thereof, in order that they may be exchanged for our prisoners at New-York.

\*  
WEDNESDAY, May 8, 1782.

A letter, of the 10th of February, from major-general Greene, respecting the promotion of colonel O. Williams, being read :

A motion was made by Mr. Montgomery, seconded by Mr. Atlee, "That colonel Otho Williams be, and hereby is promoted to the rank of brigadier in the line of the army of the United States."

A motion was made by Mr. Clark, seconded by Mr. Boudinot, to amend the motion by adding after Otho Williams, the words, "and colonel Elias Dayton," and changing the word "is" into "are."

And objection was made to this amendment as being out of order, and on the question, "is the motion for amendment in order?" the yeas and nays being required by Mr. Clark,

Massachusetts,	Mr. Patridge,	ay	} ay
	Mr. Osgood,	ay	
Rhode-Island,	Mr. Ellery,	ay	} divided.
	Mr. Cornell,	no	
Connecticut,	Mr. Law,	ay	} divided.
	Mr. Root,	no	
New-York,	Mr. Scott,	no	} divided.
	Mr. Floyd,	ay	
New-Jersey,	Mr. Clark,	ay	} ay
	Mr. Boudinot,	ay	
	Mr. Condict,	ay	
Pennsylvania,	Mr. Montgomery,	no	} no
	Mr. Smith,	no	
	Mr. Clymer,	ay	
	Mr. Atlee,	no	
Delaware,	Mr. Dickinson,	no	} no
	Mr. Wharton,	no	
Maryland,	Mr. Carroll,	ay	} divided.
	Mr. Wright,	no	
Virginia,	Mr. Madison,	ay	} ay
	Mr. Bland,	ay	
South-Carolina,	Mr. Rutledge,	no	} no
	Mr. Ramsay,	no	
	Mr. Middleton,	ay	
Georgia,	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	
	Mr. Few,	ay	

So the question was lost.

\*  
THURSDAY, May 9, 1782.

A motion was made by Mr. Clark, seconded by Mr. Condict, in the words following :

"It being represented to Congress, that one of the brigades in the



Maryland line, and the brigade of New-Jersey troops, are without brigadiers of the lines of those states.

*Resolved*, That two brigadiers be appointed in the army of the United States."

A motion was made by Mr. Ellery, seconded by Mr. Patridge, to strike out the preamble, and on the question, "shall the preamble stand?"

The yeas and nays being required by Mr. Clark,

Massachusetts,	Mr. Patridge,	no	}	no
	Mr. Osgood,	no		
Rhode-Island,	Mr. Ellery,	no	}	no
	Mr. Cornell,	no		
Connecticut,	Mr. Law,	no	}	no
	Mr. Root,	no		
New-York,	Mr. Scott,	no	}	no
	Mr. Floyd,	no		
New-Jersey,	Mr. Clark,	ay	}	ay
	Mr. Boudinot,	ay		
	Mr. Condict,	ay		
Pennsylvania,	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
	Mr. Atlee,	ay		
Delaware,	Mr. Dickinson,	no	}	no
	Mr. Wharton,	no		
Maryland,	Mr. Carroll,	no	}	no
	Mr. Wright,	no		
Virginia,	Mr. Madison,	no	}	no
	Mr. Bland,	no		
South-Carolina,	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
	Mr. Middleton,	no		
Georgia,	Mr. Telfair,	no	}	no
	Mr. N. W. Jones,	no		
	Mr. Few,	no		

So it passed in the negative.

On motion, the resolution was postponed, and a motion as made by Mr. Madison, seconded by Mr. Bland, in the words following:

"General Greene, commanding the army of the United States in the southern-department, having represented to Congress that the appointment of a brigadier-general, to command a brigade in the Maryland line of the army, was rendered expedient by the proposed formation of the said line into two brigades, and having recommended colonel Otho Williams, as an officer whose distinguished talents and services give him a just pretension to such appointment, which recommendation is also supported by the testimony of the commander in chief in favour of the said officer:

*Resolved*, That in consideration of the distinguished talents and services of colonel Otho Williams, he be, and hereby is appointed a brigadier-general in the army of the United States."

A motion was made by Mr. Scott, seconded by Mr. Jones, "that



the consideration of this motion be postponed ;" and on the question for postponing, the yeas and nays being required by Mr. Scott,

<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Osgood,</i>	<i>no</i>		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Cornell,</i>	<i>no</i>		
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Root,</i>	<i>no</i>		
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Floyd,</i>	<i>no</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Boudinot,</i>	<i>no</i>		
<i>Pennsylvania,</i>	Mr. <i>Condict,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Montgomery,</i>	<i>no</i>		
<i>Delaware,</i>	Mr. <i>Smith,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Clymer,</i>	<i>no</i>		
<i>Maryland,</i>	Mr. <i>Atlee,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Dickinson,</i>	<i>no</i>		
<i>Virginia,</i>	Mr. <i>Wharton,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Carroll,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Wright,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Madison,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Bland,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Rutledge,</i>	<i>no</i>		
<i>Georgia,</i>	Mr. <i>Ramsay,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Middleton,</i>	<i>ay</i>		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>N. W. Jones,</i>	<i>ay</i>		
	Mr. <i>Few,</i>	<i>ay</i>		

So it passed in the negative.

A division was then called for, and on the question to agree to the preamble ; the yeas and nays being required by Mr. Scott,

<i>Massachusetts,</i>	Mr. <i>Patridge,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Osgood,</i>	<i>ay</i>		
<i>Rhode-Island,</i>	Mr. <i>Ellery,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Cornell,</i>	<i>ay</i>		
<i>Connecticut,</i>	Mr. <i>Law,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Root,</i>	<i>ay</i>		
<i>New-York,</i>	Mr. <i>Scott,</i>	<i>no</i>	}	<i>divided.</i>
	Mr. <i>Floyd,</i>	<i>ay</i>		
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Boudinot,</i>	<i>ay</i>		
<i>Pennsylvania,</i>	Mr. <i>Condict,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Montgomery,</i>	<i>ay</i>		
<i>Delaware,</i>	Mr. <i>Smith,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Clymer,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Atlee,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Dickinson,</i>	<i>ay</i>		
<i>Maryland,</i>	Mr. <i>Wharton,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Carroll,</i>	<i>ay</i>		
	Mr. <i>Wright,</i>	<i>ay</i>		



Virginia,	Mr. Madison,	ay	} ay
	Mr. Bland,	ay	
South-Carolina,	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Middleton,	ay	
Georgia,	Mr. Telfair,	no	} no
	Mr. N. W. Jones,	no	
	Mr. Few,	no	

So it was resolved in the affirmative.

On the question to agree to the resolution :

Resolved in the affirmative.

MONDAY, May 13, 1782.

According to order, the hon. the minister of France being admitted to a public audience, addressed Congress in a speech, of which the following is a translation :

*Gentlemen of the Congress,*

Since the alliance so happily concluded between the king my master, and the United States, you have taken too intimate a part in every event which interested his glory and happiness, not to learn with sincere joy, that Providence has granted a dauphin to the wishes of the king your ally and to those of France. His majesty imparts this event, gentlemen, in the letter which I am directed to have the honor of delivering.

The connexions which unite the two nations, connexions formed in justice and humanity, and strengthened by mutual interests, will be as durable as they are natural. The prince who is just born, will one day be the friend and ally of the United States. He will in his turn support them with all his power, and while in his dominions he shall be the father and protector of his people, he will be here the supporter of your children and the guarantee of their freedom.

The letter from his most Christian majesty was then delivered and read, of which the following is a translation :

*Very dear great friends and allies,*

Satisfied with the interest you take in every event which affects us, we are anxious to inform you of the precious mark which Divine Providence has just given us of his goodness, and of the protection he has granted to our kingdom. We do not doubt that you will partake in the joy we feel on the birth of our son the dauphin, of whom the queen, our most dear spouse, is just now happily delivered. You will easily be convinced of the pleasure with which we shall receive every proof that you may give of your sensibility upon this occasion. We cannot renew at a period more affecting to us the assurance of our affection and of our constant friendship for you. Upon which we pray God that he would have you, very dear great friends and allies, in his holy keeping.

Written at Versailles, the 22d of October, 1781.

Your good friend and ally,

LOUIS.

Underneath,

GRAVIER DE VERGENES.



The president then addressed the minister as follows :

S I R,

The repeated instances of friendship which the United States of America have received from his most Christian majesty, give him too just a title to their affections to permit them to be indifferent to any event which interests his happiness. Be assured, sir, that Congress learn with the most lively satisfaction, that it has pleased the Divine giver of all good gifts, to bless their august ally with an heir to his throne. Our earnest prayer is, that he may with it inherit the virtues which have acquired to his majesty so much glory, and to his dominions so much prosperity, and which will be the means of cementing and strengthening the union so happily established between the two nations ; an union the mutual advantages of which become daily more conspicuous, and which has derived new lustre and additional force from every effort of the common enemy to dissolve it. Congress do not enlarge upon this subject, but satisfy themselves with the representations which your own observations will enable you, and your regard to the interests of both countries will induce you to make of the affectionate attachment which every rank of people within these states manifest to your sovereign, and of their inviolable fidelity to the principles of the alliance.

*Ordered*, That a letter be written to the commander in chief, and to the commander in the southern-department, by the secretary for foreign affairs, informing them of the public annunciation of the birth of the dauphin, that the same may be published in both armies with such demonstrations of joy as their commanders shall respectively direct :

That the secretary for foreign affairs also inform the governors and presidents of the respective states, of the birth of an heir to the crown of France, that the people of each state may partake in the joy which an event that so nearly affects the happiness of their great and generous ally cannot fail to excite.

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TUESDAY, May 14, 1782.

A letter, of the 10th, from the commander in chief, was read, enclosing a copy of a letter to him from sir Guy Carleton, dated headquarters, New-York, 7th May, 1782 : wherein he expresses a desire to receive a passport for the passage of Mr. Morgan to Philadelphia, for the purpose of carrying a letter of compliment to Congress :

Whereupon, on motion of Mr. Rutledge, seconded by Mr. Telfair,

*Resolved*, That the commander in chief be, and hereby is directed to refuse the request of sir Guy Carleton, of a passport for Mr. Morgan to bring dispatches to Philadelphia.

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THURSDAY, May 16, 1782.

On a report from the secretary at war :

*Resolved*, That a purveyor be appointed for the southern army ; and that Thursday next be assigned for the election.

*Resolved*, That the pay-master-general be, and he is hereby authorized to appoint a deputy pay-master to reside with the main-army.

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MONDAY, May 20, 1782.

Mr. John Lowell, a delegate for the state of Massachusetts, atten-



ded, and produced credentials, dated in council, May 7th ; by which it appears that the hon. James Sullivan and the said J. Lowell, Esqrs; were chosen in the room of the hon. S. Adams & A. Ward, Esqrs; resigned.

*Ordered*, That Mr. Patridge have leave of absence.

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TUESDAY, May 21, 1782.

On the report of a committee, consisting of Mr. Ellery, Mr. Clymer, Mr. Boudinot, to whom was referred a letter of the 24th of April, from the governor of Connecticut :

*Resolved*, That the executives of the several states be, and they are hereby authorized, on information of illegal intercourse, which hath taken place or shall take place between the captains of any private armed vessels belonging to these states and the enemy, or of any other mal-conduct to suspend the commission of such captains until the executive shall have examined into the offence ; and if upon enquiry it shall appear that the information was well founded, they are requested to report their proceedings to the United States in Congress assembled, and in this case the commission shall stand suspended until Congress shall have taken order thereon.

On motion, and at the desire of the delegates of Georgia :

*Resolved*, That it be minuted on the journal, that on their motion such part of the letter of the 11th of January, 1782, from the assembly of Georgia, as respects the settlement of public accounts, was yesterday referred to the superintendant of finance.

Mr. Scott, a delegate for the state of New-York, delivered at the table two papers which he desired to have read ; and the same being read, a motion was made by Mr. Scott, seconded by Mr. Middleton, in the following words :

“ That two papers which have been this day read in Congress, purporting to be certified by Robert Harpur, deputy secretary of the state of New-York, as true copies of two certain original acts of the legislature of the said state lodged in the secretary's office of the said state : the one in the words and figures following, to wit,

“ An act for pardoning certain offences committed in the north-eastern part of this state. Passed the 14th April, 1782.

“ Whereas divers inhabitants residing in the north-eastern part of this state, who have heretofore denied the sovereignty and jurisdiction of the people of this state in and over that part of this state, and by their unwarrantable combinations, created commotions, to the great disturbance of the peace and tranquility of this state, have by their humble petition to the legislature, represented that they were seduced and misled by artful and designing men, from their duty and allegiance to this state : and have moreover professed a sincere repentance of their crimes and misdemeanors, and implored the clemency of government, and humbly entreated the passing of an act of indemnity, oblivion and pardon : and this legislature being disposed to extend mercy :

“ Be it therefore enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that all such of the inhabitants of this state, who dwell and reside north of the north bounds of the state of Massachusetts continued to Hudson's river, east of Hudson's river, south of the



latitude 45 degrees north, and west of Connecticut river, are hereby acquitted, pardoned, released and discharged from all treasons, felonies and conspiracies whatsoever, at any time heretofore done and committed by them or any of them, against the people of the state of New-York as sovereign thereof, or against the government and authority derived from or established by the said people; all capital, corporal or pecuniary punishment, fines and forfeitures, judgments and executions, to which they severally were liable in consequence of the crimes and offences aforesaid are hereby remitted and discharged; and all and every the said persons shall be, and hereby are fully and wholly restored in person and estate, to the same state and condition wherein they severally were at any time before the said crimes and offences were committed or perpetrated.

“ And be it further enacted by the authority aforesaid, that no person or persons whatsoever shall have the benefit of the said pardon, for the purpose of pleading the same against any charge of treason or other offence already found, or hereafter to be found, against them or any of them, for adhering to the king of Great-Britain, the enemy of this state, or for any murder; or that such pardon shall be a bar to a conviction, judgment or execution for the said treason or other offence last mentioned, or for murder as aforesaid.”

And the other of the said papers in the words and figures following, to wit,

“ An act for quieting the minds of the inhabitants in the northeastern parts of this state. Passed the 14th April, 1782.

“ Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that all charters, patents or grants for lands within this state, lying within the following bounds, to wit, beginning at a certain point in the west bank of Connecticut river, where the boundary line between the states of Massachusetts and New-Hampshire, if continued across the said river, would intersect the said west bank, and running from the said point along the west bank of Connecticut river to the latitude of 45 degrees north, thence westerly in the said latitude to the west side of Missisqua-Bay, in Lake-Champlain, thence westerly in the said latitude to the east bank of the waters of the said lake, thence southerly along the east bank of the said lake and the waters thereof, to the most southerly point where any of the grants heretofore issued or made by the late government of the late colony of New-Hampshire come to the said lake, thence along the south and west bounds of the said grants, or as the said grants are now held or possessed under such grants, so far south as to meet with a line continued from the first mentioned boundary between the states of Massachusetts and New-Hampshire through the said place or point of beginning, thence easterly by the said continued line as aforesaid to the said place or point of beginning, made or issued by the government of the late colony now state of New-Hampshire, and which were made or issued prior to any charter, patent or grant for the same lands, heretofore made or issued by the government of the late colony now state of New-York, or by the government of any other colony, shall be, and hereby are ratified and confirmed to the respective grantees, their heirs and



assigns forever ; and every such prior charter, patent or grant is hereby declared to be as legal and valid, to all intents, constructions and purposes whatsoever, as if the same had been made or issued under the great seal of the late colony of New-York, or had been made or issued under the great seal of this state, and as such may be given and shall be allowed in evidence in every court of record within this state : and no such charter, patent or grant hereby ratified and confirmed as aforesaid, shall be deemed void, or in any wise injured, by reason of the non-performance of any condition or provision therein contained, or by reason of the non-payment of any quit-rent therein reserved, any law, usage or custom to the contrary thereof notwithstanding : provided always, that any person or persons who heretofore held or claimed lands under grants from the late colony of New-Hampshire, who have afterwards obtained grants for the same lands, either to themselves or to others in trust for them, under the late colony of New-York, operating as a confirmation thereof, in such case or cases such person or persons, or their assignees, shall be deemed forever hereafter to hold the said lands by the latter title.

“ And whereas, many of the inhabitants residing within the district of country above described, did, in or about the year 1777, declare themselves an independent people, and did assume a government under the name, stile or title of the government of the state of Vermont, or of the state of Vermont, and the said assumed government hath made grants of lands within the said territory :

“ Be it further enacted by the authority aforesaid, that all charters, patents or grants of lands so made or issued before the passing of this act, and which were made or issued prior to any charter, patent or grant for the same lands heretofore made or issued by the government of the late colony of New-York, shall be, and hereby are ratified and confirmed to the respective grantees, their heirs and assigns for ever ; and such charters, patents or grants are hereby declared to be as legal and valid to all intents, constructions and purposes whatsoever, as if the same had been made or issued by the government of this state, and as such may be given and shall be allowed in evidence in any court of record within this state ; and no such charter, patent or grant so ratified and confirmed as last aforesaid, shall be deemed void or in any wise injured by reason of the non-performance of any condition or proviso therein contained, or by reason of the non-payment of any quit-rent therein reserved, any law, usage or custom to the contrary notwithstanding.

“ And be it further enacted by the authority aforesaid, that all persons now actually occupying, possessing and improving lands within the said district of country, or who did at any time before the passing of this act, actually occupy, possess and improve lands therein, not heretofore granted by any late colony, shall be, and they and their legal representatives respectively are hereby confirmed in such their respective possessions and improvements, and shall have and receive patents therefor from the government of this state, without paying for such patent any fee or reward, the expense of surveying such lands excepted : provided that no such patent as last aforesaid shall issue for more than the quantity of 500 acres of lands, and where such occupant, possessor or improver, or legal representatives, shall not have possessed the



saïd quantity of 500 acres of land, he or she shall respectively be allowed and granted such additional quantity of land, out of any vacant unappropriated lands, lying contiguous to such possession as shall be equal to the deficiency.

“ And whereas, it is the intention of the legislature, that such parts of this act as relate to quieting or confirming titles and possessions within the district of country as aforesaid, should not take effect, and that the inhabitants residing within the said district of country should not have the benefits thereby intended, unless they should agree to renounce the said assumed government and return to their allegiance to the government of this state :

“ Be it therefore further enacted by the authority aforesaid, that upon application of commissioners or agents authorized and appointed by the inhabitants residing in the said district of country, or by the inhabitants of any town or towns, or district or districts therein, to the person administering the government of this state for the time being, touching or concerning the ratifying, confirming and quieting any titles to or possessions of lands within the district aforesaid, in cases not provided for by this act, and of and concerning the mode, manner, terms and conditions agreeable to and on which the inhabitants within the district of country aforesaid, shall agree to renounce the said assumed government, and acknowledge allegiance to the government of this state, it shall and may be lawful for the person administering the government of this state for the time being, by and with the advice and consent of the council of appointment, to appoint and commissionate under the great seal of this state, three commissioners to meet, confer and agree with such commissioners or agents authorized and appointed by the said inhabitants of the said district of country, or by the inhabitants of any town or towns, or district or districts therein, on all and singular the matters and things above-mentioned, and all compacts, agreements and acts entered into, made or done by the said commissioners to be appointed on behalf of this state, or any two of them of or concerning the premises, shall be finally conclusive and binding on the government of this state : provided nevertheless, that nothing in this act contained shall be construed to authorize the said commissioners to agree to cede or relinquish the jurisdiction of this state over the district of country aforesaid, or any part thereof, to any people, assemblies of people, or person or persons whatsoever, or to consent or agree that any part of the constitution of this state shall be altered or changed.

“ And be it further enacted by the authority aforesaid, that nothing in this act contained shall be deemed, construed or taken to restore any person or persons, or his or their heirs, to his or their estate within the said district of country, who now stand attained by the government of this state for adherence to the king of Great-Britain, or whose estate or estates have or shall become confiscate for such adherence by virtue of any law of this state ;”

Be committed to a special committee to report thereon :

And on the question for commitment, the yeas and nays being required by Mr. Scott,



<i>Massachusetts,</i>	Mr. Osgood,	no	}	no
	Mr. Lovell,	no		
<i>Rhode-Island,</i>	Mr. Ellery,	no	}	no
	Mr. Cornell,	no		
<i>Connecticut,</i>	Mr. Root,	no	}	*
	Mr. Scott,	ay		
<i>New-York,</i>	Mr. Montgomery,	no	}	ay
	Mr. Smith,	ay		
<i>Pennsylvania,</i>	Mr. Clymer,	ay	}	ay
	Mr. Atlee,	ay		
<i>Delaware,</i>	Mr. Dickinson,	ay	}	ay
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Mr. Wright,	no		
<i>Virginia,</i>	Mr. Madison,	ay	}	divided.
	Mr. Bland,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
<i>Georgia,</i>	Mr. Middleton,	ay	}	ay
	Mr. Telfair,	ay		
	Mr. N. W. Jones,	ay	}	ay
	Mr. Few,	no		

So the question was lost.

The secretary at war, to whom was referred a letter of the 14th of April, 1782, from colonel Van Schaick, having reported as his opinion :

“ That colonel Van Schaick, in consideration of his long services, be permitted to retire, and that he be entitled to all the emoluments which shall be enjoyed in future by officers who retired under the resolves of Congress of the 3d and 21st of October, 1780.

The question to agree to this, passed in the negative.

WEDNESDAY, May 22, 1782.

On the report of a committee, consisting of Mr. Madison, Mr. Root, Mr. Lowell, Mr. Rutledge and Mr. Clymer, to whom was referred a letter of the 17th, from the superintendant of finance, and who were instructed to confer with the said superintendant :

*Resolved,* That Mr. Rutledge and Mr. Clymer be appointed to repair forthwith to the several states southward of this, and Mr. Montgomery and Mr. Root to the states eastward ; and that they be, and hereby are instructed to make such representations to the several states, as are best adapted to their respective circumstances and the present situation of public affairs, and as may induce them to carry the requisitions of Congress into effect with the greatest dispatch : that they make the like representations to the state of Pennsylvania before they leave this city : that previous to their departure they confer with the superintendant of finance, the secretary at war and the secretary for foreign affairs, who are hereby directed to communicate to them such information from their respective departments as may be most conducive to the end proposed.



*Resolved*, That the gentlemen appointed to repair to the southern states, be excused from proceeding to South-Carolina and Georgia, unless they shall for special reasons find it absolutely necessary.

Congress resumed the consideration of the report of the committee, to whom was referred the letter of the 23d of February last; from the president of New-Hampshire, and agreed to the same as entered on the first day of April last.

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*MONDAY, May 27, 1782.*

On motion of Mr. Madison, seconded by Mr. Rutledge,

*Resolved*, That inasmuch as business of the greatest consequence is often delayed or retarded for want of a sufficient representation in Congress, it be, and it is earnestly recommended to the states which are at present unrepresented, immediately to send delegates to Congress, and to all the states to keep up a constant representation.

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*TUESDAY, May 28, 1782.*

On the report of a committee, consisting of Mr. Ramsay, Mr. Madison, Mr. Clark, to whom were referred a letter of the 8th from the superintendant of finance, and a letter from the secretary for foreign affairs :

*Resolved*, That the minister plenipotentiary of the United States at the court of Versailles, be instructed to take immediate measures for liquidating the accounts subsisting between the said states and the said court, and report a state thereof to Congress.

*Resolved*, That a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public monies in Europe.

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*WEDNESDAY, May 29, 1782.*

Congress resumed the consideration of the report of the committee on the letters from the superintendant of finance and secretary for foreign affairs ; and thereupon,

*Ordered*, That the superintendant of finance prepare and report to Congress, proper instructions for the commissioner to be appointed to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public monies in Europe.

*Resolved*, That the salaries and allowances to which the public servants of the United States are or shall be entitled, be in future paid by the superintendant of finance, out of the monies which shall, from time to time, be in his hands ; and that the said public servants be authorized to make quarterly draughts on him for that purpose.

On the report of a committee, consisting of Mr. Madison, Mr. Scott and Mr. Ramsay, to whom was referred a letter of the 6th from count Beniouski :

*Ordered*, That the secretary at war inform count Beniouski, that the proposal for introducing a legionary corps into the service of the United States, which accompanied his letter of the 6th inst. has been considered by Congress with the attention due to its importance. The zeal for the American cause which the author of it professes, and which



the generous terms of the plan evince, have not failed to inspire a just esteem for his character and a disposition to favour his wishes. Considerations, however, which in no respect derogate from this esteem or this disposition, render it expedient for Congress to decline the offer which has been made to them.

On motion of the delegates of South Carolina,

*Ordered*, That they be furnished with copies or extracts of all letters in the office for foreign affairs, or other offices of Congress, so far as they relate to captain Gillon, of the South-Carolina frigate.

On the report of a committee, consisting of Mr. Rutledge, Mr. Lowell and Mr. Ellery, to whom were referred sundry resolutions of the house of delegates of Virginia, respecting an agreement made between the secretary of Congress, the superintendant of finance and E. Coffin, and passports granted by the secretary, pursuant to the resolution of the 11th day of February last.

*Resolved*, That the members who are to repair to Virginia, be instructed to make such representations to that state as may remove every obstacle to the execution of this measure.

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THURSDAY, May 30, 1782.

On motion of Mr. Clark, seconded by Mr. Madison,

*Resolved*, That the resolution passed yesterday, on the report of the committee to whom were referred the resolutions of the house of delegates of Virginia, be reconsidered; and in lieu thereof, that it be, and hereby is

*Resolved*, That the members of Congress who are deputed to repair to the southern states, be authorized to make such explanations to the legislature of Virginia as they shall judge expedient, relative to the transaction which is the subject of the resolutions of the house of delegates of the said state.

On motion of Mr. Bland, seconded by Mr. Ellery,

*Ordered*, That the superintendant of finance and secretary at war enquire into a contract made by Congress or a committee of Congress, with Mr. Jacob Rubsamen, for the purpose of instructing the people of Virginia in the mode of making salt-petre, &c. and report the wages due to him on that account, and whether his further services are necessary, together with the mode to be adopted for paying him.

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MONDAY, June 3, 1782.

A letter, of 31st of May, from the superintendant of finance, being read:

On motion of Mr. Smith, seconded by Mr. Boudinot,

*Resolved*, That the resolution of the 29th May, respecting the payment of the salaries and allowances of the public servants of the United States, be re-considered and committed.

Mr. Benjamin Huntington, a delegates for Connecticut, attended, and took his seat.

Mr. E. Dyer, another delegate for Connecticut, attended, and produced credentials, by which it appears, that at a general assembly of the governor and company of Connecticut, on the 10th of January, 1782, he was elected to be a delegate in Congress until the 1st Monday in November next, in the room of Mr. A. Adams resigned.



A letter, of this day, from the secretary at war, being read, enclosing a resignation of John Lawrence, late judge-advocate.

*Ordered*, That his resignation be accepted; and that Monday next be assigned for the election of a judge-advocate.

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WEDNESDAY, June 5, 1782.

On application from the secretary at war,

*Resolved*, That he have leave of absence to visit the commander in chief in camp.

On the report of a committee, consisting of Mr. Madison, Mr. Ramsay and Mr. Osgood, to whom was referred a letter of the 31st of May, from the superintendant of finance:

*Resolved*, That the resolution passed on the 29th of May, relative to the salaries and allowances of the public servants of the United States, be, and hereby is repealed, and that from and after the 1st day of August next, warrants be issued quarterly on the treasurer of the United States for  $\frac{1}{4}$ th part of the annual salaries and allowances respectively made to the said public servants employed in foreign parts.

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THURSDAY, June 6, 1782.

Congress proceeded to the election of a deputy purveyor for the southern hospital; and, the ballots being taken,

Dr. N. Brownson was elected, having been previously nominated by Mr. Few.

On motion of Mr. Madison, seconded by Mr. Bland,

*Ordered*, That the superintendant of finance and secretary at war report to Congress the steps taken by them in consequence of a reference made to them on the 22d day of April last.

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FRIDAY, June 7, 1782.

Mr. David Howell, a delegate for the state of Rhode-Island and Providence Plantations, attended, and produced his credentials, by which it appears, that at a general election held at New-Port, within and for the said state, on the first Wednesday in May last, he was chosen and appointed one of the delegates to represent the said state in the Congress of the United States of America, for one year, and until another shall be sent to take his seat.

Mr. R. Izard, a delegate for the state of South-Carolina, attended, and took his seat.

A letter, of this day, from the secretary at war, being read,

On motion of Mr. Clark, seconded by Mr. Bland,

*Ordered*, That the secretary at war call in all the British soldiers, prisoners of war to the United States, who have been permitted to go out to work with the inhabitants, and that for the future no such permission be granted to such prisoners.

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TUESDAY, June 11, 1782.

Mr. Cornell, a delegate for the state of Rhode-Island and Providence Plantations, produced the credentials of his appointment, by which it appears, that at a general election held at New-Port, within and for the said state, on the 1st Wednesday in May, he was chosen to repre-



sent the said state in the Congress of the United States of America, for one year, and until another shall be sent forward to take his place.

On a report from the war-office, on a letter from lieutenant Levacher de Vanbrun, requesting leave to revisit his native country :

*Resolved*, That a furlough for ten months be granted to lieutenant Levacher de Vanbrun, for the purpose of revisiting his native country.

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WEDNESDAY, June 12, 1782.

Dr. J. Witherspoon, a delegate of the state of New-Jersey, attended, and produced his credentials, by which it appears, that on the 30th of May last, at a joint meeting of the council and assembly of the said state, he was elected to represent that state in Congress until the 5th day of November next.

On a report of a committee, consisting of Mr. B. Huntington, Mr. Boudinot and Mr. Wright, to whom was referred a report of the superintendant of finance, as agent of marine :

*Resolved*, That for the future, a marine-court of enquiry or court-martial for enquiring into or trying of all capital cases, shall consist of at least five commissioned navy and marine-officers, two of whom shall be captains, and in all cases not capital it shall consist of three such officers, one of whom shall be a captain in the navy of the United States :

That any captain in the navy of the United States be, and hereby is authorized to appoint a court-martial for the trial of offences committed by any other than a commissioned officer ; provided that no warrant officer be thereby cashiered, without the confirmation of the proceedings of such court by the secretary or agent of marine or other person doing the duty of that office :

That where a court of enquiry or court-martial is to be appointed for enquiring into the conduct of or for trying a commissioned officer, the same shall be done by the secretary or agent of marine or other person doing the duty of that office : provided always, that no sentence of a court-martial, on a capital offence, shall be executed until approved by the agent of marine, or other person doing duty in that office.

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FRIDAY, June 14, 1782.

The committee, consisting of Mr. Cornell, Mr. Osgood and Mr. Bland, to whom was referred a memorial of Dr. N. Noel, claiming to have been in the service of the United States until the first of October, 1780, and soliciting pay, report,

“ That upon duly considering the said memorial and the resolutions of the 13th of October, the 7th and 14th of November, 1777, they are of opinion, that if nothing further appeared to operate against the claim of the memorialist than what is contained in the said resolutions, he is precluded from any demands against the United States. But when the committee consider that the memorialist, upon receipt of the sums specified in the resolutions of November above-mentioned, considering himself no longer in the service of the United States by virtue of his commission of surgeon, dated September, 1777, on which he grounds his claim, immediately repaired to Boston and accepted an appointment in the navy, and obtained a warrant dated January 1st, 1778, and when they consider farther that whatever might have been



his intention, the memorialist's acceptance of the latter appointment, did by virtue of the resolution of the 18th of September, 1776, vacate the former commission and appointment, the committee are clearly of opinion, that the memorial of Dr. Noel ought to be dismissed."

The report being read :

*Resolved*, That Congress agree to the said report.

On the report of a committee, consisting of Mr. Scott, Mr. Boudinot and Mr. Ramsay, to whom was referred a letter of the 6th of June, from general Washington, with sundry papers relative to his proceedings in consequence of the resolution of the legislature of South-Carolina of the 14th of February, 1782, which was referred to him on the 3d of April last, Congress came to the following resolution :

Whereas British officers, commanding in South-Carolina, compelled many of the inhabitants thereof to leave that state, who by the capitulation of Charlestown had a right to remain at their homes : and whereas, it is just and reasonable, agreeably to the usages of war among civilized nations, that persons so sent off should be returned with their servants and baggage at the expense of the power so sending them off : and whereas, on the requisition of general Washington, in consequence of a resolution of the legislature of the state of South-Carolina, referred to him by Congress, sir Guy Carleton has agreed to furnish transports and flags at the expense of the king of Great-Britain, for the conveyance of the said inhabitants to any post general Washington may be pleased to point out ; therefore,

*Resolved*, That the secretary at war be directed to obtain lists of the names of the persons referred to in the resolution of the assembly of South-Carolina, and of the posts to which they choose to be reconveyed, and transmit the same to the commander in chief.

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MONDAY, June 17, 1782.

On the report of a committee, consisting of Mr. Madison, Mr. Witherspoon, Mr. Izard, to whom was referred a motion of Mr. Madison, Congress agreed to the following resolution :

It being expedient, as well for the justification of such of the principals of the civil departments immediately under Congress, who duly administer the same, as for the more certain detection of such as may violate in any manner the important trusts consigned to them, that periodical and exact enquiries into their respective administrations be instituted : it is hereby

*Resolved*, That on the first Monday in July and the first Monday in January in every year, five committees, composed each of five members, shall be appointed ; which committees shall have it in charge to enquire fully, one of them, into the proceedings of the department of finance, including the several branches of the same ; another into the proceedings of the department of foreign affairs ; another of the department of war ; another of the department of marine ; another of the post-office ; and to report the result of their respective enquiries to Congress.

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WEDNESDAY, June 19, 1782.

On the report of a committee, consisting of Mr. Bland, Mr. M'Kean



and Mr. Wright, to whom was referred a letter of the 17th from E. Hazard, post-master-general, giving information that the southern post was robbed of his mail, on Sunday the 16th, within five miles of Hartford, in the state of Maryland:

*Resolved*, That the executives of the states of New-Jersey, Pennsylvania, Delaware and Maryland, be, and they are hereby requested to pursue the most likely measures, by offering proper rewards, at the expense of the United States, and otherwise, for recovering the mail and bringing the robbers to due punishment.

—\*—  
THURSDAY, June 20, 1782.

Mr. John Taylor Gilman, a delegate for the state of New-Hampshire, attended, and produced his credentials, by which it appears, that on the 15th of January, 1782, he was appointed by the legislature to represent that state until the first day of November next.

On the report of the secretary, to whom were referred the several reports on the device for a great seal, to take order:

The device for an armorial achievement and reverse of the great seal for the United States in Congress assembled, is as follows:

ARMS.—Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, "*E pluribus Unum.*"

For the CREST.—Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars forming a constellation, argent, on an azure field.

REVERSE.—A pyramid unfinished. In the zenith an eye in a triangle, surrounded with a glory, proper. Over the eye these words, "*Annuit Coeptis.*" On the base of the pyramid the numerical letters MDCCLXXVI. And underneath the following motto, "*Novus Ordo Seclorum.*"

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FRIDAY, June 21, 1782.

On the report of a committee, consisting of Mr. Madison, Mr. Lowell, Mr. Scott, Mr. Wharton and Mr. Witherspoon, to whom was recommitted their report on a motion of Mr. Madison, Congress passed the following act:

Whereas the enemy, having renounced the hope of accomplishing their designs against the United States by force alone, are resorting to every expedient which may tend to corrupt the patriotism of their citizens, or to weaken the foundation of the public credit; and in pursuance of this policy, are encouraging, to the utmost, a clandestine traffic between the inhabitants of this country and those who reside within the garrisons and places therein now in their possession: and whereas, some of the said inhabitants, prompted either by a sordid attachment to gain or by a secret conspiracy with the enemies of their country, are wickedly engaged in carrying on this illicit traffic, whereby a market is provided for British merchandizes, the circulating specie is exported from the United States, the payment of taxes rendered



more difficult and burthensome to the people at large, and great discouragement occasioned to honest and lawful commerce :

*Resolved*, That it be, and hereby is recommended to the legislatures of the several states, to adopt the most efficacious measures for suppressing all traffic and illicit intercourse between their respective citizens and the enemy.

*Resolved*, That the legislatures, or in case of their recess, the executives of the several states, be earnestly requested to impress, by every means in their power, on their respective citizens at large, the baneful consequences apprehended by Congress from a continuance of this illicit and infamous traffic, and the necessity of their co-operating with the public measures by such united, patriotic and vigilant exertions, as will detect and bring to legal punishment those who shall have been in any manner concerned therein.

On the report of a committee, consisting of Mr. Bland, Mr. Osgood and Mr. Ramfay, appointed to confer with the superintendant of finance and secretary at war, on the practicability and means of procuring supplies for the southern army by contracts :

*Resolved*, That the secretary at war institute an immediate enquiry into the reasons which have delayed the arrival of clothing and other necessaries which have already been provided and sent on to the southern army ; and that he take every step in his power to discover the causes of delay, embezzlement and other circumstances which have so frequently arrested the supplies for the southern army, and report thereon to Congress.

*Ordered*, That the superintendant of finance report to Congress the causes which have prevented the southern army being supplied by contracts.

— — — — —  
MONDAY, June 24, 1782.

Mr. Duane, a delegate for New-York, attended, and took his seat in Congress.

On a report from the secretary at war, to whom was referred a memorial of colonel James Livingston :

*Resolved*, That colonel James Livingston be permitted to draw from the contractors at Albany daily, five rations of provisions for the support of himself and family, an account of which shall be transmitted by the comptroller to the war-office, that he may be charged with such supplies.

This being the day assigned for the appearance of the states of Pennsylvania and Connecticut by their lawful agents, in pursuance of the notice transmitted to them agreeably to the resolution of the 14th of November last :

The state of Pennsylvania appeared by William Bradford, Joseph Reed, James Wilson and Jonathan Dickinson Sergeant, Esqrs; counsellors and agents, and Henry Osborne, Esq; solicitor, who produced their credentials, which were read in the words following, viz.

“ In the name and by the authority of the freemen of the commonwealth of Pennsylvania, his excellency William Moore, Esq; president, and the supreme executive council of the said commonwealth :

“ To William Bradford, Esq; attorney-general of the said commonwealth, Joseph Reed, James Wilson, Jonathan Dickinson Sergeant and Henry Osborne, Esqrs;



" We reposing especial trust and confidence in your prudence, integrity and abilities, do by these presents constitute and appoint you the said William Bradford, Joseph Reed, James Wilson and Jonathan Dickinson Sergeant, to be our counsellors and agents, and you the said Henry Osborne, to be our solicitor, in the cause now pending before the United States of America in Congress assembled, between the said commonwealth of Pennsylvania and the state of Connecticut, hereby ratifying and confirming all and whatsoever you our said counsellors, agents and solicitor shall lawfully do or cause to be done, touching or concerning the said cause between the said states of Pennsylvania and Connecticut.

" Given by order of the council under the hand of his excellency William Moore, Esq; president, and the seal of the state, at Philadelphia, this 19th day of June, in the year of our Lord 1782.

(Signed)

WM. MOORE, *President.*"

Attest. T. MATLACK, Secretary, with the seal of the state appendant.

Eliphalet Dyer, Esq; laid before Congress the powers of agency from the state of Connecticut, which were read in the words and figures following :

L. S. " At a general assembly of the governor and company of the state of Connecticut, in America, holden at Hartford, in the said state, by adjournment on the 10th day of Jan. Anno Domini 1782.

" Whereas the United States in Congress assembled, by their order, passed the 14th day of Nov. 1781, have notified to this assembly, that pursuant to the 9th article of the confederation, the supreme executive council of the state of Pennsylvania have presented a petition to Congress, stating that a controversy has long subsisted between the said state of Pennsylvania and this state, respecting sundry lands lying within the northern boundary of the state of Pennsylvania ; and praying for a hearing in pursuance of the 9th article of confederation, and that the fourth Monday in June next is assigned for the appearance of the said states of Pennsylvania and Connecticut by their lawful agents, in the place in which Congress shall then sit, to proceed in the premises as by the said confederation is directed :

" *Resolved* by this assembly, That the honorable Eliphalet Dyer, William Samuel Johnson and Jesse Root, Esqrs; or either two of them, be, and they are hereby appointed agents on behalf of this state, to appear before the United States in Congress assembled, to answer to the said petition, with full power and authority on behalf of this state, to agree with the agents for the state of Pennsylvania, in the nomination and appointment of commissioners to hear and finally determine the said controversy, and to do every thing necessary on the part of this state, respecting the appointment of such commissioners, pursuant to the articles of confederation, and also to appear before the said commissioners, and to do every thing necessary and proper for the vindication and defence of the claim and right of this state to the said lands in controversy, both with respect to the property and jurisdiction, and pursue the same to final judgment, with power to employ council learned in the law, as they shall judge needful.

A true copy of record,

Examined by GEORGE WYLLYS, *Secretary.*

The seal of the state affixed."



William Samuel Johnson and Jesse Root, Esqrs; two of the agents mentioned in the powers of agency, did not appear.

Only one of the agents for Connecticut appearing, a motion was made by Mr. Dyer, seconded by Mr. Huntington, that farther day be given.

—●—  
TUESDAY, June 25, 1782.

The order of the day being called for by the state of Pennsylvania, to proceed on the business respecting the difference subsisting between the states of Pennsylvania and Connecticut, a motion was taken up which was yesterday made by Mr. Lowell, seconded by Mr. Osgood, viz.

That in all disputes and differences between two or more states, concerning boundary, jurisdiction or any other cause whatever under the consideration of Congress, the delegates representing the several different states, ought not, in any such cases, to sit as judges in any question to be decided relative to such dispute or difference.

This being objected to in point of order :

On the question, is the motion in order? the yeas and nays being required by Mr. Lowell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Lowell,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Cornell,	ay		
	Mr. Howell,	no	}	divided.
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	no		
	Mr. Scott,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Boudinot,	no	}	no
	Mr. Condict,	no		
	Mr. Witherspoon,	ay	}	no
<i>Pennsylvania,</i>	Mr. Smith,	no		
	Mr. Wynkoop,	no	}	no
<i>Delaware,</i>	Mr. Dickinson,	no		
	Mr. Wharton,	no	}	no
<i>Maryland,</i>	Mr. Hanson,	no		
	Mr. Wright,	no	}	no
<i>Virginia,</i>	Mr. Madison,	no		
	Mr. Bland,	no	}	no
<i>South-Carolina,</i>	Mr. Ramsay,	no		
	Mr. Izard,	no	}	no
	Mr. Middleton,	no		
<i>Georgia,</i>	Mr. Jones,	no	}	*

So it passed in the negative.

—●—  
WEDNESDAY, June 26, 1782.

The order of the day being called for by the state of Pennsylvania, to proceed on the business respecting the difference subsisting between



the states of Pennsylvania and Connecticut, the agents William Bradford, James Wilson and Jonathan D. Sergeant, Esqrs; agents, and H. Osborne, Esq; solicitor, for Pennsylvania, and Mr. Dyer, one of the agents for Connecticut, attended without the bar; and the former, in behalf of their state, prayed for the following order, viz.

“That the state of Connecticut, not having appeared by their lawful agents, agreeably to the resolution of the 14th day of November last, therefore Congress will on the       day of       next, proceed to nominate three persons out of each state, in order that due proceedings may be had on the dispute mentioned in the said resolution, agreeably to the 9th article of the confederation.”

And Mr. Dyer on the part of Connecticut, prayed for the following resolution, viz.

“Colonel Root, one of the joint agents on whom the state of Connecticut depends to manage this cause, being absent from Congress on important business of the United States:

*Resolved*, That all proceedings on this case be postponed until the day of July next, by which time colonel Root's return may be expected.”

Both parties agreed that the blank should be filled with the 25th or 26th of July.

Congress took the motions under advisement, and the parties withdrew.

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THURSDAY, June 27, 1782.

Mr. Rutledge and Mr. Clymer having returned, made a report of their proceedings.

A motion was made by Mr. Lowell, seconded Mr. Osgood,

“That when disputes and differences between two or more states, concerning boundary, jurisdiction, or any other cause whatever, are under the consideration of Congress, the delegates representing the several different states may not agreeably to the confederation, sit and judge in any question to be decided by Congress relative to such dispute or difference.”

On this the previous question was moved by the state of South-Carolina, seconded by New-York, and the yeas and nays being required by Mr. Lowell,

New-Hampshire,	Mr. Gilman,	ay	} *
Massachusetts,	Mr. Osgood,	no	
	Mr. Lowell,	no	} no
Rhode-Island,	Mr. Cornell,	ay	
	Mr. Howell,	ay	} ay
Connecticut,	Mr. Huntington,	no	
	Mr. Dyer,	no	} no
New-York,	Mr. Duane,	ay	
	Mr. Scott,	ay	} ay
New-Jersey,	Mr. Clark,	ay	
	Mr. Conduct,	ay	} ay
	Mr. Witherspoon,	no	



<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
	Mr. Wynkoop,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Wright,	ay		
<i>Virginia,</i>	Mr. Madison,	ay	}	ay
	Mr. Bland,	ay		
	Mr. Lee, who returned and took his seat after the debate commenced, was excused.			
<i>South-Carolina,</i>	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
	Mr. Izard,	ay		
	Mr. Middleton,	ay		
<i>Georgia,</i>	Mr. Jones,	ay	}	ay
	Mr. Few,	ay		

So it was resolved in the affirmative.

The order of the day being called for, to proceed in the business of the difference subsisting between the states of Pennsylvania and Connecticut, the delegates for Connecticut laid before Congress an instruction from their constituents, in the words following, viz.

“ At a general assembly of the governor and company of the state of Connecticut, holden at Hartford, in said state, by adjournment on the 10th day of January, Anno Domini 1782 :

“ *Resolved*, by this assembly, That the delegates of this state in the Congress of the United States, be, and they are hereby authorized and instructed to move Congress to postpone the appointment of commissioners, to hear and determine the case respecting the lands in controversy between the state of Pennsylvania and this state, until after the termination of the present war : because that sundry papers of importance in the case are in the hands of council in England, and cannot be procured during the war : nor is it convenient for the states to divert their attention from the great objects of the war to attend to private controversies.”

And thereupon moved the following resolution :

“ That Congress postpone the appointment of commissioners to hear and determine the cause respecting the lands in controversy between the state of Pennsylvania and the state of Connecticut, until after the termination of the present war.”

A motion was made by Mr. Bland, seconded by Mr. Howell, to postpone the consideration of this motion,

And on the question for postponing, the yeas and nays being required by Mr. Scott,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
	Mr. Osgood,	ay		
<i>Massachusetts,</i>	Mr. Lowell,	ay	}	ay
	Mr. Cornell,	ay		
	Mr. Howell,	ay		



Connecticut,	Mr. Huntington,	no	} no
	Mr. Dyer,	no	
New-York,	Mr. Duane,	ay	} ay
	Mr. Scott,	ay	
New-Jersey,	Mr. Clark,	ay	} ay
	Mr. Condict,	ay	
	Mr. Witherspoon,	ay	
Pennsylvania,	Mr. Smith,	ay	} ay
	Mr. Clymer,	ay	
	Mr. Wynkoop,	ay	
Delaware,	Mr. M <sup>c</sup> Kean,	ay	} ay
	Mr. Dickinson,	ay	
	Mr. Wharton,	ay	
Maryland,	Mr. Hanson,	ay	} ay
	Mr. Wright,	ay	
Virginia,	Mr. Madison,	ay	} ay
	Mr. Bland,	ay	
	Mr. Lee,	ay	
South-Carolina,	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Middleton,	ay	
Georgia,	Mr. Jones,	ay	} ay
	Mr. Few,	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. Bland, seconded by Mr. Howell,

“That the sense of the house be taken, whether the reasons for the non-attendance of the agents from Connecticut yesterday assigned by the hon. E. Dyer, be sufficient.”

FRIDAY, June 28, 1782.

On a report from the secretary at war,

*Resolved*, That so much of the resolution of Congress of the 27th day of May, 1778, as relates to the additional pay given to captains and subalterns, acting as aids-de-camp and brigade-majors, be, and is hereby repealed.

*Resolved*, That there shall be such additional pay and emoluments to the pay of captains and subalterns, serving as aids-de-camp to major-generals or brigadier-generals, and to brigade-majors, as shall make their pay and emoluments equal to the pay and emoluments of a major in the line of the army.

The order of the day being called for, Congress resumed the consideration of the motion made yesterday, which was amended to read,

“That the sense of Congress be taken, whether sufficient reasons have been shewn for the non-appearance of the state of Connecticut by its lawful agents.”

After debate the determination of the question was postponed by the state of Rhode-Island.

On the report of a committee, consisting of Mr. Duane, Mr. Izard and Mr. Madison, to whom were referred the letter of the 21st of May from major-general Greene, and the papers accompanying it:



*Resolved*, That the secretary at war inform major-general Greene, that the United States in Congress assembled, approve of his conduct in rejecting the overtures for a cessation of hostilities made to him by lieutenant-general Leslie, commanding the British troops in Charlestown; and that he assure him Congress will use their endeavours to enable him effectually to oppose the enemy.

— ❁ —  
MONDAY, July 1, 1782.

Mr. John Lewis Gervais, a delegate for the state of South-Carolina, attended, and took his seat.

On a report of the secretary at war,

*Resolved*, That a furlough for nine months be granted to captain Broffard, of the Georgia line, for the purpose of returning to Europe.

On motion of Mr. Witherspoon, seconded by Mr. Lowell,

*Resolved*, That the determination of the question which was postponed on Friday last by the state of Rhode-Island, be farther postponed.

On motion of Mr. Ramsay, seconded by Mr. Duane,

*Resolved*, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of independence, on Thursday next :

The members chosen, Mr. Ramsay, Mr. Clymer and Mr. Wharton.

On a report from the secretary at war, signifying captain Celeron's wish to resign.

*Resolved*, That the resignation of captain Celeron be accepted.

A letter, of the 11th of June, from J. Avery, secretary of Massachusetts was read, enclosing an act passed by that state, entitled " An act for granting to the United States in Congress assembled, a permanent revenue for the purpose of discharging the debts which have arisen or may arise in prosecuting the present war with Great-Britain."

On a report from a committee, consisting of Mr. Madison, Mr. Lowell, Mr. Scott, Mr. Wharton and Mr. Witherspoon, to whom was referred a report from the secretary at war on an extract of a letter from the commissary of prisoners :

*Resolved*, That the said extract be referred to the commander in chief; and that he be authorized to take order thereon, so far as he shall judge the indulgencies applied for can be guarded from abuses.

— ❁ —  
TUESDAY, July 2, 1782.

On a report from the secretary at war,

*Resolved*, That lieutenant-colonel Louis Atayataghharonghta, retain the rank and pay of a lieutenant-colonel in the army of the United States, the resolves of the 31st of December last notwithstanding.

*Resolved*, That lieutenant-colonel Smith and major Clarkson have leave of absence until Congress shall direct their recal; and that they be permitted to go to the West-Indies and serve in any corps of the combined armies of France and Spain to which they shall be invited.

The superintendant of finance, to whom were referred sundry letters from Samuel Parsons, and from Parsons, Alston & Co. reports,

" That he does not conceive it adviseable to appoint a consul in any of the West-India islands, at least for the present; that any business which it may be necessary to have done at Martinique, can be well transacted by persons not holding a public character; that there is



very little reason to believe there will be many British prisoners carried into the said Islands by American cruizers, under present circumstances; that he conceives any arrangements, with respect to prisoners, should be of a general nature extending to that object through every part of the world; and that the business of exchange being now in the war-department, any arrangements with relation thereto, can come with propriety from the secretary at war: he also submits that the superintendant of finance cause the accounts of Samuel Parsons, against the United States, including therein the accounts of Parsons, Alston & Co. to be settled, and that the expenses of the schooner Fame be allowed in the said accounts."

*Resolved*, That Congress agree to the said report.

On a report from the superintendant of finance, to whom was referred a letter of the 12th of April, 1781, from W. Lee, Esq;

*Ordered*, That the secretary for foreign affairs inform Mr. William Lee, that he apply for payment of the monies due to him to Mr. Benjamin Franklin.

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WEDNESDAY, July 3, 1782.

Mr. Jonathan Jackson, a delegate for the commonwealth of Massachusetts, attended, and produced his commission under the seal of the commonwealth, and signed by his excellency J. Hancock, governor, whereby it appears, that at a general court of the said commonwealth, on the 2d day of May, 1782, the said Jonathan Jackson was elected a delegate, to hold his office until the 5th day of November next.

A letter, of this day, from the secretary at war, was read, together with an extract of a letter from brigadier-general Hazen, informing that the commissaries of prisoners at Lancaster, York and Reading, appear assiduous in supporting an independent, uncontrollable power, at least not subject to his restraint; and that notwithstanding orders to the contrary, the practice of allowing prisoners of war to work in the boroughs, towns and country, on the commissary's pass, is still continued at Lancaster, York and Reading, which has been a means of a very considerable loss of them; whereupon,

*Resolved*, That the secretary at war be, and he is hereby authorized and empowered to cause courts-martial to be forthwith holden, on the several commissaries and assistant commissaries of prisoners, at York, Reading and Lancaster, for disobedience of orders and neglect of duty, in suffering the escape of prisoners at those posts:

And that the secretary at war be, and he is hereby authorized to appoint proper persons to take charge of the prisoners of war at the said places, until the said commissaries shall be discharged from their arrests, or Congress shall otherwise direct.

*Resolved*, That the secretary at war, in the absence of the commander in chief, be, and he is hereby authorized to order all persons to be arrested and tried for disobedience of any orders which he is empowered to issue.

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TUESDAY, July 9, 1782.

On a report of the secretary at war, to whom was referred a petition of Mathew Potan:



*Ordered*, That the said petition be dismissed.

The committee, consisting of Mr. Wharton, Mr. Madison and Mr. Osgood, to whom was referred a letter of the 20th of June, from the superintendant of finance, as agent of marine, reported the draught of an ordinance for the better distribution of prizes in certain cases, which was read a first and second time.

*Ordered*, That to-morrow be assigned for a third reading.

Congress proceeded to the election of a judge-advocate for the army, and, the ballots being taken,

James Innis, Esq; was elected, having been previously nominated by Mr. Bland.

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WEDNESDAY, July 10, 1782.

On motion of Mr. Duane, seconded by Mr. Cornell,

*Ordered*, That an official account of the election made yesterday of a judge-advocate, be not transmitted until the committee appointed to consider the most just and practicable means of reducing the expenditures of the United States in the several departments shall have reported.

*Ordered*, That the committee report with all convenient speed, the pay and emoluments proper to be allowed to a judge-advocate.

An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th of February, 1782, passed by the legislature of Delaware, was laid before Congress and read.

According to the order of the day, was read a third time and passed as follows:

*An ordinance for the better distribution of prizes in certain cases.*

Be it ordained by the United States in Congress assembled, that so much of the ordinance, entitled, "An ordinance ascertaining what captures on water shall be lawful," as ordains that upon the capture of a vessel commissioned as a man of war or a privateer by any of the vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors, be, and the same is hereby repealed; and that in all such cases of capture the whole of the property condemned shall be adjudged to the use of the captors, if the vessel taken shall be of equal or superior force to the vessel making the capture: if otherwise, one-half only shall be adjudged to the captors, and the other half to the use of the United States, and shall after condemnation be so appropriated, unless the United States in Congress assembled, in reward of distinguished valour and exertion, shall otherwise specially direct.

And be it further ordained by the authority aforesaid, that the resolution of the 15th day of November, 1776, giving to the commanders, officers and men of ships or vessels of war, a bounty for every cannon and for every man belonging to British ships or vessels of war captured by them, be, and the same is hereby repealed.

Done by the United States in Congress assembled, &c.

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THURSDAY, July 11, 1782.

On the report of a committee, consisting of Mr. Rutledge, Mr. Madison and Mr. Scott, to whom was referred a motion of Mr. Lee;



*Resolved*, That the commander in chief be directed to remand immediately lieutenant-general earl Cornwallis to the United States, unless the hon. Henry Laurens be forthwith released from his captivity, and furnished with passports to any part of Europe or America at his option, or be admitted to a general parole.

On a report of the committee, consisting of Mr. Cornell, Mr. Osgood, Mr. Izard, Mr. Bland and Mr. Duane, appointed to consider and report to Congress the most just and practicable means of reducing the expenditures of the United States :

*Resolved*, That the pay of the judge-advocate for the army of the United States, be 75 dollars per month : that he be allowed two rations a-day, and  $12\frac{2}{3}$  dollars per month for subsistence ; also a two horse waggon, with forage for two saddle horses : that he be also allowed for a servant  $6\frac{2}{3}$  dollars per month, for which servant he shall be entitled to draw the rations and clothing of a private in the army.

*Resolved*, That the pay of a deputy judge-advocate for the southern army, who shall be taken from the line, be 60 dollars per month, including his pay in the line : that he be allowed two rations per day, and  $12\frac{2}{3}$  dollars per month for subsistence, including what he may be entitled to as an officer in the line ; also a two horse waggon, with forage for two saddle horses, including what he may be entitled to as an officer in the line ; that he be also allowed for a servant  $6\frac{2}{3}$  dollars per month, for which servant he shall be entitled to draw the rations and clothing of a private in the army, in this last case he shall not be allowed a servant from the line.

*Resolved*, That the deputy judge-advocate employed in the same army with the judge-advocate, be taken from the line of the army, who shall receive, in addition to his pay in the line, 15 dollars per month ; that he be also allowed for a servant the same as the judge-advocate, and that he be allowed forage for one saddle horse.

*Resolved*, That all resolutions heretofore passed respecting the pay and allowance in the department of judge-advocate be, and the same are hereby repealed.

*Resolved*, That junior lieutenants who were to retire agreeably to the act of Congress of the 23d of April last, may at their option be retained in their present pay and rank as far as there are vacant ensigncies in their respective corps.

*Resolved*, That the secretary at war issue no more commissions to officers promoted or appointed, until the further order of Congress.

On the report of a committee, consisting of Mr. Rutledge, Mr. Clark and Mr. Lee, to whom was referred a letter of the 10th, from the secretary at war :

*Resolved*, That the secretary at war take immediate order to have all the British prisoners of war closely confined, and to stop all issues of provision to the women and children who are with them, directing passports to be granted to such of the women with their children, who may not incline to remain in the country and support themselves, to go to New-York ; and in case any of the said women remaining, shall neglect to support themselves and their children by their industry, or commit any offence against the laws of the state, that it be, and it is



hereby recommended to the executive authority of the state in which they may be found, to take measures for immediately removing such idle and disorderly women into New-York.

The committee, consisting of Mr. Scott, Mr. Lee and Mr. Clark, reported the draught of an ordinance more effectually to prevent illicit trade with the enemy; which was read the first time, and to-morrow is assigned for the second reading.

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FRIDAY, July 12, 1782.

On a report from the secretary at war, to whom was referred a petition of Darius Stoddard :

*Resolved*, That the state of Connecticut be requested to make up the depreciation of Dr. Darius Stoddard, during his service as a surgeon's mate and surgeon in the army of the United States.

On a motion of Mr. Howell, seconded by Mr. Dyer,

*Resolved*, That the commissioners appointed or to be appointed pursuant to the act of the 20th of February last, be empowered and directed to settle the accounts of the loan-officers of the respective states.

On motion of Mr. Clark, seconded by Mr. Lowell,

*Ordered*, That the superintendant of finance as agent of marine, lay before Congress a copy of the last instructions given to captain Harding by the late board of admiralty.

The ordinance more effectually to prevent illicit trade with the enemy, was read a second time, and Monday next assigned for the third reading.

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MONDAY, July 15, 1782.

Mr. Montgomery and Mr. Root, the two members sent to the states eastward of Pennsylvania, being returned, took their seats.

The committee, consisting of Mr. Lee, Mr. Ramsay and Mr. Lowell, appointed to examine captain Barry, touching the loss of the ship La Fayette, having reported the result of their examination :

*Ordered*, That the secretary transmit a copy of the report to captain Barry, to be compared with the log-book of the Alliance, corrected if there should be any mistakes, and signed and sworn to by him, and returned to Congress together with captain Robinson's letter referred to in his information.

An act passed by the legislature of Maryland was laid before Congress and read, entitled, "An act to authorize the United States in Congress assembled, to impose and levy a duty of five per cent. on imported foreign goods, and on all prizes and prize goods, for the payment of the debt contracted by Congress during the war."

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TUESDAY, July 16, 1782.

James Wilson and Jonathan Dickinson Sergeant, Esqrs; agents for the commonwealth of Pennsylvania, with Henry Osborne, Esq; solicitor and agent, appeared in behalf of that commonwealth; and Eliphalet Dyer and Jesse Root, Esqrs; agents for Connecticut, appeared in behalf of that state, in the cause depending before the United States of America in Congress assembled, between the said commonwealth of Pennsylvania and the state of Connecticut.



The agents for Pennsylvania produced new powers, which were read in the words following :

“ In the name and by the authority of the freemen of the commonwealth of Pennsylvania, his excellency William Moore, Esq; president, and the supreme executive council of the said commonwealth :

“ To William Bradford, Esq; attorney-general of the said commonwealth, Joseph Reed, James Wilson, Jonathan Dickinson Sergeant and Henry Osborne, Esqrs;

“ We reposing especial trust and confidence in your prudence, integrity and abilities, do by these presents constitute and appoint you the said William Bradford, Joseph Reed, James Wilson and Jonathan Dickinson Sergeant, our counsellors and agents, and you the said Henry Osborne, our solicitor and agent, in the cause now depending before the United States of America in Congress assembled, between the said commonwealth and the state of Connecticut, hereby ratifying and confirming all and whatsoever you or any of you shall lawfully do or cause to be done, touching the said cause between the said states of Pennsylvania and Connecticut.

“ Given by order of the council, under the hand of his excellency William Moore, president, and the seal of the state, at Philadelphia, this 26th day of June, in the year of our Lord 1782.”

The seal of the state affixed, and underneath signed

WILLIAM MOORE, *President.*

Attest.

T. MATLACK, *Secretary.*

The agents of Connecticut having objected against the powers of the agents of Pennsylvania, and moved that it may be shewn that the supreme executive council of Pennsylvania, have a right to grant such powers and commission.

*Ordered,* That the agents withdraw.

On motion that the agents of Pennsylvania and Connecticut be called in and informed by the president, that the powers given to the agents of Pennsylvania and Connecticut are in the judgment of Congress sufficient.

The yeas and nays being required by Mr. Smith,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Lowell,	no	}	no
	Mr. Jackson,	no		
<i>Rhode-Island,</i>	Mr. Cornell,	no	}	no
	Mr. Howell,	no		
<i>Connecticut,</i>	Mr. Root,	no	}	no
	Mr. Dyer,	no		
	Mr. Huntington,	no		
<i>New-York,</i>	Mr. Duane,	ay	}	*
<i>New-Jersey,</i>	Mr. Clark,	ay		
	Mr. Condict,	ay	}	ay
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay		



<i>Delaware,</i>	Mr. <i>McKean,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Dickinson,</i>	<i>ay</i>	
	Mr. <i>Wharton,</i>	<i>no</i>	
<i>Maryland,</i> <i>Virginia,</i>	Mr. <i>Hanson,</i>	<i>ay</i>	} *
	Mr. <i>Madison,</i>	<i>no</i>	
	Mr. <i>Bland,</i>	<i>ay</i>	} <i>no</i>
	Mr. <i>Lee,</i>	<i>no</i>	
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Ramsay,</i>	<i>ay</i>	
	Mr. <i>Izard,</i>	<i>no</i>	
	Mr. <i>Middleton,</i>	<i>ay</i>	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Jones,</i>	<i>ay</i>	
	Mr. <i>Few,</i>	<i>ay</i>	

So the question was lost.

A motion was then made by Mr. Lee, seconded by Mr. Madison,  
That the agents be called in, and desired to proceed.

And the yeas and nays being required by Mr. Smith,

<i>New-Hampshire,</i> <i>Massachusetts,</i>	Mr. <i>Gilman,</i>	<i>ay</i>	} *
	Mr. <i>Osgood,</i>	<i>ay</i>	
	Mr. <i>Lowell,</i>	<i>ay</i>	
<i>Rhode-Island,</i>	Mr. <i>Jackson,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Cornell,</i>	<i>ay</i>	
	Mr. <i>Howell,</i>	<i>ay</i>	
<i>Connecticut,</i>	Mr. <i>Huntington,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Dyer,</i>	<i>ay</i>	
	Mr. <i>Root,</i>	<i>ay</i>	
<i>New-York,</i> <i>New-Jersey,</i>	Mr. <i>Duane,</i>	<i>ay</i>	} *
	Mr. <i>Clark,</i>	<i>ay</i>	
	Mr. <i>Condict,</i>	<i>ay</i>	
<i>Pennsylvania,</i>	Mr. <i>Witherspoon,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Montgomery,</i>	<i>ay</i>	
	Mr. <i>Smith,</i>	<i>ay</i>	
<i>Delaware,</i>	Mr. <i>Clymer,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>McKean,</i>	<i>ay</i>	
	Mr. <i>Dickinson,</i>	<i>ay</i>	
<i>Maryland,</i> <i>Virginia,</i>	Mr. <i>Wharton,</i>	<i>ay</i>	} *
	Mr. <i>Hanson,</i>	<i>ay</i>	
	Mr. <i>Madison,</i>	<i>ay</i>	
<i>South-Carolina,</i>	Mr. <i>Bland,</i>	<i>no</i>	} <i>ay</i>
	Mr. <i>Lee,</i>	<i>ay</i>	
	Mr. <i>Rutledge,</i>	<i>ay</i>	
<i>Georgia,</i>	Mr. <i>Ramsay,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Izard,</i>	<i>ay</i>	
	Mr. <i>Middleton,</i>	<i>ay</i>	
	Mr. <i>Telfair,</i>	<i>ay</i>	} <i>ay</i>
	Mr. <i>Jones,</i>	<i>ay</i>	
	Mr. <i>Few,</i>	<i>ay</i>	

So it was resolved in the affirmative.

The agents being accordingly called in, and the parties having  
been fully heard :



On motion, that the appointment presented to Congress by the agents for Pennsylvania is sufficient.

The yeas and nays being required by Mr. Smith,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Lowell,	ay	}	ay
	Mr. Jackson,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	ay
	Mr. Howell,	ay		
<i>Connecticut,</i>	Mr. Root,	no	}	no
	Mr. Huntington,	ay		
	Mr. Dyer,	no	}	*
<i>New-York,</i>	Mr. Duane,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Condict,	ay		
	Mr. Witherspoon,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Montgomery,	ay		
	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. M <sup>r</sup> . Kean,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	ay	}	*
<i>Maryland,</i>	Mr. Hanson,	ay		
<i>Virginia,</i>	Mr. Madison,	ay	}	ay
	Mr. Bland,	ay		
	Mr. Lee,	ay	}	ay
<i>South-Carolina,</i>	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Middleton,	ay	}	ay
<i>Georgia,</i>	Mr. Telfair,	ay		
	Mr. Jones,	ay	}	ay
	Mr. Few,	ay		

So it was resolved in the affirmative.

On motion of Mr. Duane, seconded by Mr. Clark,

*Resolved,* That the agents of Pennsylvania and Connecticut be, and they are hereby directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question, agreeably to the 9th article of the confederation.

WEDNESDAY, July 17, 1782.

The ordinance more effectually to prevent illicit trade with the enemy, was read a third time, and passed as follows:

*An ordinance more effectually to prevent illicit trade with the enemy.*

Whereas a pernicious commerce is carried on by some of the inhabitants of these United States, with the enemy, by means of collusive captures on the water; for remedy thereof,

Be it ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, that whenever such collusion shall appear in evidence on the trial of any capture, the ves-



fel and her cargo shall be adjudged and condemned as lawful prize, to the use of the state in which such trial shall be had, except in such case wherein any person or persons shall, before sentence or judgment given, interpose his or their answer and claim, charging the capture to have been collusively made, and shall support such answer and claim by sufficient proof; in which case the property captured shall be sentenced and adjudged as lawful prize, one moiety thereof to the use and behoof of such claimant or claimants, and the other moiety thereof to the use and behoof of the state into which the prize shall be carried for condemnation: provided always, that in every cause of prize, wherein no such answer and claim shall be interposed, or being interposed, shall not be supported by sufficient proof, if the court shall, in their opinion, have cause to suspect the capture to have been collusive, it shall demand of the captors sufficient proof that the same was *bona fide* and not collusively made, and on failure of such proof to the satisfaction of the court, such capture shall be deemed collusive, and the property so captured shall be adjudged and condemned as lawful prize, to the use and behoof of such state as aforesaid.

Done by the United States in Congress assembled, &c.

THURSDAY, July 18, 1782.

Mr. Montgomery and Mr. Root made a report respecting their mission, which was read.

The report of a committee being postponed, to whom were referred a report of the secretary at war, on a letter of June 4th, from major-general Parsons, and a letter of the 10th, from general Washington, with a copy of a letter of the 18th of June, from brigadier-general Glover.

A motion was made by Mr. Duane, seconded by Mr. Jones,

“That agreeably to the request of major-general Parsons, he have leave of absence from the army until called for by the secretary at war; and that in the mean while he may be at liberty to remain within these states, or to go into foreign parts, as he shall judge most conducive to the recovery of his health; and that his pay and emoluments be suspended during his absence from the army.”

On questions for amendment, the words “and that in the mean while he may be at liberty to remain within these states, or to go into foreign parts, as he shall judge most conducive to the recovery of his health,” were struck out; and between the words “army” and “until,” were inserted the words “on account of his ill state of health.”

A motion was then made by Mr. Root, seconded by Mr. Dyer, to amend further, so that it read “and that his emoluments and one-half of his pay be suspended,” &c.

On the question to agree to this amendment, the yeas and nays being required by Mr. Howell,

New-Hampshire,	Mr. Gilman,	ay	} *
Massachusetts,	Mr. Osgood,	no	
	Mr. Lowell,	no	} no
	Mr. Jackson,	ay	
Rhode-Island,	Mr. Cornell,	no	} no
	Mr. Howell,	no	



Connecticut,	Mr. Root,	ay	} ay
	Mr. Huntington,	ay	
	Mr. Dyer,	ay	
New-York,	Mr. Duane,	no	} *
	Mr. Clark,	no	
	Mr. Condict,	no	
New-Jersey,	Mr. Witherspoon,	ay	} no
	Mr. Smith,	ay	
	Mr. Dickinson,	ay	
Pennsylvania,	Mr. Wharton,	ay	} ay
	Mr. Hanson,	no	
	Mr. Madison,	ay	
Delaware,	Mr. Lee,	ay	} ay
	Mr. Rutledge,	ay	
	Mr. Ramsay,	ay	
Maryland,	Mr. Izard,	ay	} ay
	Mr. Middleton,	ay	
	Mr. Telfair,	ay	
Virginia,	Mr. Jones,	ay	} ay
	Mr. Few,	ay	
South-Carolina,			} ay
Georgia,			} ay

So the amendment was lost.

On the question,

*Resolved*, That agreeably to the request of major-general Parsons, he have leave of absence from the army on account of his ill state of health, until called into service by the secretary at war; and that his pay and emoluments be suspended during his absence from the army.

*Resolved*, That on the representation of brigadier-general Glover, he have leave of absence from the army on account of his ill state of health, until called into service by the secretary at war; and that his pay and emoluments be suspended during his absence from the army.

FRIDAY, July 19, 1782.

A motion was made by Mr. Middleton, seconded by Mr. Duane,

“ That major-general Parsons and brigadier-general Glover, on account of their want of health, be considered as retiring, and put upon the half-pay establishment; and that the resolutions passed yesterday respecting major-general Parsons and brigadier-general Glover be repealed.”

A division being called for, and on the question to agree to the first part as far as establishment, inclusive, the yeas and nays being required by Mr. Middleton,

New-Hampshire,	Mr. Gilman,	ay	} *
	Mr. Osgood,	ay	
	Mr. Lowell,	ay	
Massachusetts,	Mr. Jackson,	ay	} ay
	Mr. Cornell,	ay	
	Mr. Howell,	no	
Rhode-Island,	Mr. Root,	ay	} divided.
	Mr. Huntington,	ay	
	Mr. Dyer,	no	
Connecticut,			} ay



<i>New-York,</i>	Mr. Duane,	ay	} divided.
	Mr. Scott,	no	
<i>New-Jersey,</i>	Mr. Clark,	ay	} ay
	Mr. Conduct,	no	
	Mr. Witherspoon,	ay	} *
<i>Delaware,</i>	Mr. Dickinson,	ay	
<i>Maryland,</i>	Mr. Hanson,	ay	} *
<i>Virginia,</i>	Mr. Madison,	ay	
	Mr. Bland,	no	} no
	Mr. Lee,	no	
<i>South-Carolina,</i>	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	} ay
	Mr. Middleton,	ay	
<i>Georgia,</i>	Mr. Telfair,	ay	} ay
	Mr. N. W. Jones,	ay	
	Mr. Few,	ay	

So the question was lost.

On the question to agree to the last clause, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	} *
<i>Massachusetts,</i>	Mr. Osgood,	ay	
	Mr. Lowell,	ay	} ay
	Mr. Jackson,	ay	
<i>Rhode-Island,</i>	Mr. Cornell,	ay	} divided.
	Mr. Howell,	no	
<i>Connecticut,</i>	Mr. Root,	ay	} ay
	Mr. Huntington,	ay	
	Mr. Dyer,	ay	} ay
<i>New-York,</i>	Mr. Duane,	ay	
	Mr. Scott,	ay	} no
<i>New-Jersey,</i>	Mr. Clark,	no	
	Mr. Conduct,	no	} no
	Mr. Witherspoon,	ay	
<i>Delaware,</i>	Mr. Dickinson,	ay	} *
<i>Maryland,</i>	Mr. Hanson,	ay	
<i>Virginia,</i>	Mr. Madison,	ay	} ay
	Mr. Bland,	ay	
	Mr. Lee,	ay	} ay
<i>South-Carolina,</i>	Mr. Rutledge,	ay	
	Mr. Ramsay,	ay	} ay
	Mr. Izard,	ay	
	Mr. Middleton,	ay	} ay
<i>Georgia,</i>	Mr. Telfair,	ay	
	Mr. Jones,	ay	} ay
	Mr. Few,	ay	

So the question was lost.

Mr. Hugh Williamson, a delegate for North-Carolina, attended, and produced a commission, with the seal of the state appendant, and signed by the governor, whereby it appears, that on the 13th day of



May, 1782, Benjamin Hawkins, Abner Nash, Hugh Williamson and William Blount, Esqrs; were appointed delegates to represent that state in Congress for and during one year from that time.

The committee, consisting of Mr. Scott, Mr. Clark and Mr. Atlee, to whom was referred an ordinance relative to the post-office, reported the draught of an ordinance for regulating the post-office of the United States of America, which was read the first time:

*Ordered*, That Tuesday next be assigned for the second reading.

MONDAY, July 22, 1782.

Mr. William Blount, a delegate for the state of North-Carolina, attended, and took his seat.

On the report of a committee, consisting of Mr. Cornell, Mr. Duane and Mr. Clark, to whom was referred a memorial of Mr. Jonathan Trumbull, jun. for a compensation for his trouble in settling the accounts of the purchasing and issuing commissaries, employed by and under the late commissary Joseph Trumbull:

*Resolved*, That there be allowed to Jonathan Trumbull, jun. Esq; for his services in the settlement of the accounts of the deputies of the late commissary-general J. Trumbull, in pursuance of the act of the 5th day of May, 1779, the same salary as is provided by the act of 27th of February last, for the commissioner to be appointed for the settlement of the accounts of the commissary's department: that the said salary, be computed on the time Mr. Trumbull has been actually employed, and be in full for all services and expenses.

On motion of Mr. Osgood, seconded by Mr. Izard,

*Resolved*, That the resolutions respecting major-general Parsons and brigadier-general Glover, passed the 18th inst. be, and they are hereby repealed.

A motion was then made by Mr. Duane, seconded by Mr. Middleton,

"That major-general Parsons and brigadier-general Glover, on account of their want of health, be considered as retiring officers, and put upon the half-pay establishment.

On the question to agree to this, the yeas and nays being required by Mr. Condict,

New-Hampshire, Massachusetts,	Mr. Gilman,	ay	} *
	Mr. Osgood,	ay	
	Mr. Lowell,	ay	
	Mr. Jackson,	ay	
Rhode-Island, Connecticut,	Mr. Cornell,	ay	} *
	Mr. Root,	ay	
	Mr. Huntington,	no	
	Mr. Dyer,	no	
New-York,	Mr. Duane,	ay	} ay
	Mr. Scott,	ay	
New-Jersey,	Mr. Clark,	no	} no
	Mr. Condict,	no	
	Mr. Witherspoon,	ay	



<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	} ay
	Mr. <i>Smith,</i>	ay	
	Mr. <i>Clymer,</i>	ay	
<i>Delaware,</i>	Mr. <i>M<sup>c</sup>Kean,</i>	ay	} ay
	Mr. <i>Wharton,</i>	ay	
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay	} *
	Mr. <i>Madison,</i>	ay	
<i>Virginia,</i>	Mr. <i>Bland,</i>	ay	} ay
	Mr. <i>Lee,</i>	ay	
	Mr. <i>Williamson,</i>	ay	
<i>North-Carolina,</i>	Mr. <i>Blount,</i>	no	} divided.
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	ay	
	Mr. <i>Ramsay,</i>	ay	} ay
	Mr. <i>Izard,</i>	ay	
	Mr. <i>Middleton,</i>	ay	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay	} ay
	Mr. <i>Jones,</i>	ay	
	Mr. <i>Few,</i>	ay	

So it was resolved in the affirmative.

— — — — —  
TUESDAY, July 23, 1782.

On the report of a committee, consisting of Mr. Montgomery, Mr. Clark and Mr. Ramsay, to whom were re-committed their report respecting the hospital-department, and the amendments and observations thereon by the secretary at war :

*Resolved,* That in conducting the business of the general-hospital, there shall be an invariable standard of prices established, by which the apothecary shall be charged with every article he shall issue. The standard to be established by the medical-board, or such person or persons as they shall appoint, which shall only be considered as a certain ratio, whereby to keep the accounts. But that, in the settlement of all accounts in that department, all deficient articles, not issued or returned, shall be accounted for at such real value as shall be estimated by the medical-board and approved of by the secretary at war.

An account shall be taken as soon as possible, of all the medicines, instruments and property, in the apothecary's-department belonging to the public, in the hands of the apothecary, the deputies, assistants and mates, the surgeons of hospitals and surgeons of regiments, for which they shall severally be charged at the standard value ascertained by the board as aforesaid, and for all they may hereafter receive, but to account for deficiencies at the real value, to be estimated as aforesaid.

The apothecary shall be accountable for all articles in his department to the purveyor throughout the states, until they come into the hands of the prescribers. And all deputies, assistants and mates, shall make returns, and be accountable to the apothecary for the medicines, instruments and other property belonging to the public in the department, now in their hands, and of such as they may hereafter be possessed of.

The apothecary shall make up his accounts at the expiration of every year, and settle them as soon after as possible, and before the ex-



piration of six months. He shall at the same time make out two returns for the director of the hospital; one specifying what has been received and issued, and the amount of what remains on hand; the other exhibiting a particular amount of the value of the medicines, and other public property, each prescriber has received within the year.

All losses which may happen by the events of war, and other circumstances unavoidable, shall be borne by the public. In cases of losses by fraud or neglect in any deputy, assistant or mate, the apothecary shall not be accountable for such losses, provided the delinquent be convicted thereof before a court-martial appointed to try the same.

The hospital prescribers shall be supplied, upon their own application, with medicines and instruments necessary, for the sick and wounded under their care.

Every regimental-surgeon shall receive yearly from the apothecary, a supply of medicines to such amount, by the above standard, as the medical-board shall judge necessary.

Every prescribing surgeon or physician, either in hospital or with the army, shall be supplied by the apothecary with such a set of capital instruments as the medical-board shall judge necessary, and shall be accountable for all losses in medicines and instruments not arising from the events of war, and other circumstances unavoidable. Duplicates of all returns made by the apothecary to the director, shall be lodged in the war-office.

*Resolved*, That in the army of the United States, excepting the southern army, at present under the command of major-general Greene, the offices of assistant purveyor, and assistant apothecary, and the store-keepers under the purveyor and apothecary, except one store-keeper under the purveyor to keep a store near the army, and all the clerks, except two to the purveyor, shall hereafter be discontinued.

That all surgeons of the hospital shall take rank after the director of the hospital, deputy director and physician to the army, in the following order, viz. those surgeons of the hospital, who have been either deputy director, physician-general, surgeon-general, chief physician, or chief surgeon to the hospital or army, shall take rank next to the above-mentioned officers: and their relative rank to each other shall be according to the date of their respective appointments to either of the above offices.

That all such as were regimental-surgeons, when appointed senior physician, or surgeon to the hospital, shall take rank with such senior physicians and surgeons, agreeably to the date of their first appointment, whether to the regiment or hospital.

All surgeons, the date of whose first appointments, either to regiments or hospitals, shall have been on the same day, shall decide their rank by lot.

That for the more convenient subsistence of the officers of the hospital department, they be allowed, including their former allowance of rations and forage as follows:

The director of the hospital, four rations a day for himself and servants, forage for two horses, and 25 dollars per month subsistence.

The deputy director and physician, each three rations a day for himself and servants, forage for two horses, and 20 dollars per month subsistence.



Hospital surgeons, each two rations per day, for himself and servant, forage for two horses, and 15 dollars per month subsistence.

Deputy purveyor and deputy apothecary, each one ration per day, forage for one horse, and 10 dollars per month subsistence.

Hospital mates, each one ration per day, and five dollars per month subsistence.

Stewards, each one ration per day, and five dollars per month subsistence.

Ward-masters, each one ration per day, and three dollars per month subsistence.

That the above allowance of rations, forage, and subsistence to the officers of the hospital department, over and above what they severally were entitled to, at the time of passing this act, shall be charged to them respectively, as advances in part of their monthly pay.

That in future the pay and allowance of the purveyor and apothecary be the same each as that of a hospital surgeon.

That none of the aforesaid officers, or other persons employed in any of the hospitals, be entitled to rations, forage or subsistence, when on furlough.

That the regulation respecting officers servants, contained in the act of Congress of the 11th of March, 1780, shall not be construed to extend to the hospital department.

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WEDNESDAY, July 24, 1782.

In pursuance of the order of the 11th, the agent of marine transmitted to Congress a copy of the last instructions given to captain Harding of the Confederacy, by the late board of admiralty.

The delegates for Virginia laid before Congress two resolutions passed by the legislature of that state, dated 28th May last; first, "that it will not be expedient to authorize Congress to alter the mode appointed by the confederation, for apportioning the quotas of the respective states, as is proposed in the act of the 20th of February, 1782; and second, for the appointment of persons to examine and state, with all possible exactness, to the next assembly, the losses and injuries sustained by that state in the course of this war, from obstructed commerce and the enemy's cruizers within the bay of Chesapeake."

On a report of a committee, consisting of Mr. Cornell, Mr. Osgood, Mr. Izard, Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing expenditures in the several departments:

*Resolved*, That all resolutions and appointments respecting the department of the commissary-general of prisoners be, and hereby are repealed:

That the commander in chief be, and hereby is empowered to appoint, from time to time, a commissary of prisoners, who shall be subject to his orders and instructions:

That the commanding-officer of the southern army have also power to appoint, from time to time, a commissary of prisoners, who shall be subject to his orders and instructions:

That the power of negotiating the exchange of marine prisoners be henceforth vested in the agent of marine, who is hereby authorized



to appoint a commissary for marine prisoners to be subject to his orders and instructions :

That the secretary at war be, and he is hereby authorized, from time to time, to appoint so many persons as he may find necessary to assist him in superintending and safe-keeping all prisoners of war, reporting such appointments to Congress as soon as they shall be made :

That the secretary at war direct returns to be made once in every three months (or oftener if applied for) to the commander in chief, of all land prisoners, and to the agent of marine of all marine prisoners who shall be under his charge :

That the pay of the commissaries for the army shall be 75 dollars per month each, and they shall each be allowed two rations of provisions per day, and  $12\frac{2}{3}$  dollars per month subsistence ; and also  $6\frac{2}{3}$  dollars per month each for a servant, for whom they shall draw from the public the clothing and ration allowed to a private soldier, together with forage for two horses each, which pay and allowances shall include what they may be entitled to from the public as officers in the army :

That the commissary to be appointed by the agent of marine, shall receive in full for his services, including any pay or allowances that he may be entitled to as an officer of the United States, the sum of 1200 dollars per annum :

That the allowance of pay and rations to the persons to be appointed by the secretary at war, to assist him in superintending and safe-keeping prisoners of war, shall not exceed 40 dollars per month and four rations per day, or subsistence equivalent, including what they may be entitled to as officers of the army.

On another report of the above-mentioned committee,

*Resolved*, That the act of Congress of the 11th day of February, 1778, and all subsequent resolutions so far as they respect the department of the commissary-general of military-stores, be, and they are hereby repealed.

*Resolved*, That the secretary at war be, and he is hereby empowered to appoint, from time to time, a commissary of military-stores, who shall be subject to his orders and instructions, and shall receive a salary of 1000 dollars per annum :

That the secretary at war be further empowered to appoint, from time to time, so many officers, to be taken from the officers of the army, if agreeable to them, as he may find necessary to superintend the business in that department.

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THURSDAY, July 25, 1782.

On motion of Mr. Lee, seconded by Mr. Clark,

*Resolved*, That the post-master-general be, and he is hereby directed to use his discretion in so varying the time of setting out of the post-riders and their routes, from time to time, as to elude the attempts of the enemy to take the mail.

On motion of Mr. Lee, seconded by Mr. Osgood,

*Ordered*, That the report of the superintendant of finance, stating the application of the monies of the United States in France, be referred to a committee to be examined and reported on :



*Ordered*, That the instructions given to captain Harding, of the Confederacy, by the late board of admiralty, be referred to the same committee.

*Ordered*, That Tuesday next be assigned for electing a commissioner to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public monies in Europe ; and that Monday next be assigned for settling the salary to be allowed to the said commissioner.

A report of the secretary at war, on a letter of the 15th of July, from cornet Middleton, of Lee's legionary corps, being read :

*Resolved*, That the superintendant of finance furnish 300 dollars to the pay-master-general, to enable him to pay a warrant to be drawn on him for that sum by the secretary at war, in favour of cornet Middleton, of lieutenant-colonel Lee's legionary corps, to defray his expenses on the business in which he is employed by major-general Greene, and for which sum he is to be accountable.

FRIDAY, July 26, 1782.

A motion was made by Mr. Duane, seconded by Mr. Root,

“ That baron Steuben receive, until the further order of Congress, in addition to his pay as major-general, 80 dollars per month for his travelling expenses in the execution of his office of inspector-general, to be computed from the 10th day of January last.”

On the question to agree to this, the yeas and nays being required by Mr. Condict,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
	Mr. Osgood,	ay		
<i>Massachusetts,</i>	Mr. Lowell,	no	}	ay
	Mr. Jackson,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	divided.
	Mr. Howell,	no		
<i>Connecticut,</i>	Mr. Root,	ay	}	ay
	Mr. Huntington,	ay		
<i>New-York,</i>	Mr. Dyer,	ay	}	ay
	Mr. Duane,	ay		
<i>New-Jersey,</i>	Mr. Scott,	ay	}	no
	Mr. Clark,	no		
<i>Pennsylvania,</i>	Mr. Condict,	no	}	ay
	Mr. Witherspoon,	ay		
<i>Delaware,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
<i>Maryland,</i>	Mr. Clymer,	ay	}	ay
	Mr. Wynkoop,	ay		
<i>Virginia,</i>	Mr. M'Kean,	ay	}	ay
	Mr. Wharton,	ay		
<i>North-Carolina,</i>	Mr. Hanson,	ay	}	ay
	Mr. Madison,	no		
	Mr. Bland,	ay	}	ay
	Mr. Lee,	ay		
	Mr. Williamson,	ay	}	ay
	Mr. Blount,	ay		



South-Carolina,	Mr. Ramsay,	ay	} ay
	Mr. Izard,	ay	
	Mr. Middleton,	ay	
Georgia,	Mr. Telfair,	ay	} ay
	Mr. Jones,	ay	
	Mr. Few,	no	

So it was resolved in the affirmative.

MONDAY, July 29, 1782.

The order of the day being called for to fix the salary of the commissioner to be appointed pursuant to the resolution of the 28th of May:

On motion of Mr. Montgomery, seconded by Mr. Lee,

*Resolved*, That the resolution of the 28th of May last, for the appointment of a commissioner to liquidate and finally settle the accounts of all the public servants of the United States; who have been entrusted with the expenditure of public money, be re-considered.

On motion of Mr. Bland, seconded by Mr. Wither Spoon,

*Ordered*, That the said resolution be committed.

WEDNESDAY, July 31, 1782.

A committee, consisting of Mr. Gilman, Mr. Jackson, Mr. Howell, Mr. Dyer, Mr. Duane, Mr. Wither Spoon, Mr. Clymer, Mr. M'Kean, Mr. Hanson, Mr. Lee, Mr. Williamson, Mr. Rutledge and Mr. Telfair, being a member from each state, appointed to take into consideration and report the most effectual means of supporting the credit of the United States, reported,

"That it is their opinion, and therefore they recommend, that Congress decide upon the cessions from Connecticut, N. York and Virginia."

The report being read, a motion was made by Mr. Wither Spoon, seconded by Mr. Duane,

"That Wednesday next be assigned to take the report, made by the grand committee, into consideration."

And on the question to agree to this, the yeas and nays being required by Mr. Wither Spoon,

New-Hampshire,	Mr. Gilman,	ay	} *
	Mr. Osgood,	no	
Massachusetts,	Mr. Lowell,	no	} no
	Mr. Jackson,	no	
Rhode-Island,	Mr. Cornell,	no	} divided.
	Mr. Howell,	ay	
Connecticut,	Mr. Root,	ay	} ay
	Mr. Huntington,	ay	
New-York,	Mr. Dyer,	ay	} ay
	Mr. Duane,	ay	
New-Jersey,	Mr. Scott,	ay	} ay
	Mr. Clark,	ay	
Pennsylvania,	Mr. Condict,	ay	} ay
	Mr. Wither Spoon,	ay	
	Mr. Montgomery,	ay	
	Mr. Smith,	ay	
	Mr. Clymer,	ay	



<i>Delaware,</i>	Mr. <i>Wharton,</i>	<i>ay</i>	}	*
<i>Maryland,</i>	Mr. <i>Hanson,</i>	<i>ay</i>		
<i>Virginia,</i>	Mr. <i>Madison,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Bland,</i>	<i>ay</i>		
	Mr. <i>Lee,</i>	<i>ay</i>		
<i>North-Carolina,</i>	Mr. <i>Williamson,</i>	<i>ay</i>	}	<i>divided.</i>
	Mr. <i>Blount,</i>	<i>no</i>		
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	<i>ay</i>	}	<i>ay</i>
	Mr. <i>Ramsay,</i>	<i>ay</i>		
	Mr. <i>Izard,</i>	<i>ay</i>		
	Mr. <i>Gervais,</i>	<i>ay</i>	}	<i>no</i>
<i>Georgia,</i>	Mr. <i>Middleton,</i>	<i>no</i>		
	Mr. <i>Telfair,</i>	<i>no</i>	}	<i>no</i>
	Mr. <i>Jones,</i>	<i>no</i>		
	Mr. <i>Few,</i>	<i>no</i>		

So the question was lost.

THURSDAY, August 1, 1782.

Pursuant to the resolution of the 27th of February last, the superintendent of finance, reports, that he has appointed William Denning, Esq; a commissioner for settling the accounts of the quarter-master's department.

On the report of a committee, consisting of Mr. Cornell, Mr. Izard, Mr. Osgood, Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States, in the several departments, and to whom was referred a plan for regulating the department of the adjutant-general:

*Resolved,* That the adjutant-general be appointed by Congress from the general officers, colonels, lieutenant-colonels commandants, or lieutenant-colonels in the army; his pay shall be 125 dollars per month. He shall receive four rations per day, and  $25\frac{1}{3}$  dollars per month subsistence. The adjutant-general shall also be allowed forage for four riding horses, and be furnished with two four horse and one two horse covered waggons for the transportation of his official papers, his own, his assistants and clerks baggage. He shall have two assistants and one clerk, to be appointed by himself and approved of by the commander in chief. The assistants shall be majors or captains in the army; the pay of each shall be 50 dollars per month, one ration and a half per day, 8 dollars per month subsistence, and forage for two riding horses. The assistants shall be allowed each  $6\frac{2}{3}$  dollars per month for servants wages, and the clothing and rations allowed to a private soldier. The clerk shall be a subaltern or volunteer in the army; his pay shall be 40 dollars per month, he shall draw one ration per day and receive  $6\frac{1}{2}$  dollars per month subsistence:

That there be as many deputies adjutant-general of the rank of field-officers as there may be separate armies in the United States, that consist of one or more divisions, to be appointed occasionally by the commanding-officer of such army, whose name shall be returned to the commander in chief for his approbation:

That the deputy adjutants-general shall each receive 75 dollars per month pay, two rations per day and  $12\frac{2}{3}$  dollars per month subsist-



ence, forage for three riding horses, one four horse and one two horse covered waggon for the transportation of their official papers, their own and assistants baggage :

The deputy adjutants-general shall each appoint one assistant, of the rank of major or captain, who shall be approved of by the commanding-officer under whom they serve. The assistants appointed and approved as aforesaid, shall each receive the same pay and allowances as are given above to an assistant of the adjutant-general :

That there be one major of brigade to each brigade in the armies of the United States, whether of cavalry, artillery or infantry, who shall be appointed by the commander in chief or commanding-officer of a separate army as occasion may require, upon the recommendation of the adjutant-general, or deputy adjutant-general as the case may be, and they shall each receive the same pay and allowances, as is given to the assistants of the adjutant-general by the foregoing resolutions :

That the provisions hereby made for the respective officers aforesaid, shall be in full compensation for their services, and of all pay and allowances to which they may be entitled from their rank in the army :

These regulations shall take effect on the first day of January next, and from thenceforth that all acts, resolutions, pay and appointments heretofore made in any wise respecting the department of adjutant-general and brigade-majors, shall cease and are hereby repealed.

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*FRIDAY, August 2, 1782.*

*Ordered,* That Mr. Lowell have leave of absence.

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*MONDAY, August 5, 1782.*

On the report of a committee, consisting of Mr. Cornell, Mr. Clymer and Mr. Scott, to whom was referred a report of the secretary at war on a petition of Lewis I. de Beaulieu, a lieutenant of the late general count Pulaski, and now a prisoner of war on parole :

*Resolved,* That lieutenant Lewis I. de Beaulieu, of the legion of the late brigadier-general count Pulaski, be at liberty to go to France as a prisoner of war to the enemy on his parole, and to retire from the service of the United States as soon as he shall be exchanged : that until his exchange he continue to be entitled to the pay and emoluments belonging to his rank ; and from the time of his retiring from the service of these United States, he be entitled to an annual allowance of 100 dollars, as a recompence for his wounds and loss of health in the service of these United States.

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*WEDNESDAY, August 7, 1782.*

The committee, consisting of Mr. Cornell, Mr. Izard, Mr. Osgood, Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States in the several departments, and to whom was referred a motion of Mr. Bland, having reported the following resolutions :

*Resolved,* That the secretary at war, on or before the first day of January next, cause the non-commissioned officers and privates belonging to the lines of the respective states, including soldiers prisoners with the enemy, to be arranged in such manner as to form complete



regiments agreeably to the acts of Congress of 3d and 21st of October, 1780, or regiments of not less than 500 rank and file, as circumstances and the good of the service may in his judgment require. That for this purpose the junior regiments shall be draughted to fill the senior regiments, and the surplus, should any remain after such draughts, shall be formed into a complete company or companies, as near as may be, according to the said establishment, with a proper allowance of field-officers to two or more companies; the said regiments and companies shall be commanded by officers belonging to the respective states, to which the non-commissioned officers and privates so arranged shall belong.

*Resolved*, That the commander in chief, and commanding-officer of the southern army, direct the officers of the line of each state respectively to meet together, and agree, and determine upon the officers, who shall remain in service to command the troops arranged as aforesaid; provided that where it cannot be done by voluntary agreement, the junior officers of each grade shall retire, so as to leave complete corps of officers in proportion to the number of men, and to be adjusted upon the principles of the acts of the 3d and 21st of October, 1780, and the 5th resolution of the act passed the 23d day of April, 1782.

*Resolved*, That the commander in chief, and commanding-officer of the southern army, as soon as the said arrangement shall have taken place, transmit to Congress a list of officers whom they respectively may deem proper to be employed in the several staff-departments and other necessary duties in the army, to be taken from the list of retiring officers. And upon being approved of by Congress, and accepting such appointments, such officers shall retain their rank in the army with the pay and emoluments thereto annexed.

*Resolved*, That the officers retiring under the foregoing resolutions, and not employed in the staff-departments as aforesaid, shall, until called into service with their proper command, be entitled to all the emoluments to which the officers are entitled, who retired under the resolutions of the 3d and 21st of October, 1780: that the said officers shall retain their rank in the army, and be called into the service, from time to time, according to seniority, in case of deficiencies of officers, upon the principles of the foregoing resolutions.

*Resolved*, That in arranging the non-commissioned officers and privates of the army, each state shall be credited for all the men, except deserters and such as may have died, who shall have been duly mustered to serve during the war, or for three years, in compliance with the requisitions of Congress of the 3d day of October, 1780, or the 10th day of December, 1781.

*Resolved*, That the preceding arrangement shall take effect on the 1st day of January, 1783, and that copies thereof be immediately transmitted by the secretary at war, to the executive authorities of the respective states.

This report being taken up pursuant to a previous order assigning this day for the consideration thereof, a motion was made by Mr. Clark, seconded by Mr. Root, to strike out the resolution, "that the officers retiring," &c.



And on the question, shall that resolution stand? the yeas and nays being required by Mr. Clark,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	divided.
	Mr. Howell,	no		
<i>Connecticut,</i>	Mr. Root,	no	}	no
	Mr. Huntington,	no		
	Mr. Dyer,	no		
<i>New-York,</i>	Mr. Duane,	ay	}	ay
	Mr. Scott,	ay		
<i>New-Jersey,</i>	Mr. Clark,	no	}	no
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	*
<i>Virginia,</i>	Mr. Madison,	ay		
	Mr. Bland,	ay		
	Mr. Lee,	ay	}	ay
<i>North-Carolina,</i>	Mr. Williamson,	ay		
	Mr. Blount,	ay	}	ay
<i>South-Carolina,</i>	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay		
	Mr. Izard,	ay	}	ay
	Mr. Middleton,	ay		
<i>Georgia,</i>	Mr. Telfair,	ay		
	Mr. Jones,	ay	}	ay
	Mr. Few,	ay		

So it was resolved in the affirmative.

On the question to agree to the report, the yeas and nays being required by Mr. Cornell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	divided.
	Mr. Howell,	no		
<i>Connecticut,</i>	Mr. Root,	no	}	no
	Mr. Huntington,	no		
	Mr. Dyer,	no		
<i>New-York,</i>	Mr. Duane,	ay	}	ay
	Mr. Scott,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Condict,	ay		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay		



<i>Delaware,</i>	Mr. <i>McKean,</i>	ay	}	ay
	Mr. <i>Wharton,</i>	ay		
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay	}	*
<i>Virginia,</i>	Mr. <i>Madison,</i>	ay		
	Mr. <i>Bland,</i>	ay	}	ay
	Mr. <i>Lee,</i>	ay		
<i>North-Carolina,</i>	Mr. <i>Williamson,</i>	ay	}	ay
	Mr. <i>Blount</i>	ay		
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	ay	}	ay
	Mr. <i>Ramsay,</i>	ay		
	Mr. <i>Izard,</i>	ay	}	ay
	Mr. <i>Middleton,</i>	ay		
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay	}	ay
	Mr. <i>Jones,</i>	ay		
	Mr. <i>Few,</i>	ay	}	ay
		ay		

So it was resolved in the affirmative.

THURSDAY, August 8, 1782.

On the report of a committee, consisting of Mr. Cornell, Mr. Glark and Mr. Bland, appointed to hear the pretensions of Dominique L'Eclife and Joseph Traversie :

*Resolved,* That the superintendant of finance take order for paying Joseph Traversie 100 dollars, in full for his services and support since the 15th day of November, 1780 ; and that he be allowed 10 dollars per month in full for his support until the further order of Congress :

That the accounts of Dominique L'Eclife be settled up to this day, pursuant to the act of Congress of the 23d day of October, 1778, and agreeably to the scale of depreciation fixed for settling the value of continental currency ; and that the superintendant of finance take order for paying such a part of the said account as the said Dominique L'Eclife may appear to stand in immediate need of ; and that in future the said L'Eclife be allowed 10 dollars per month in full for his support until the further order of Congress.

On the report of a committee, consisting of Mr. Montgomery, Mr. Cornell and Mr. Bland, to whom was referred a letter of the 6th from the secretary at war :

*Resolved,* That it be recommended to the states of Pennsylvania and Virginia, immediately to draw out and order to Fort-Pitt, each state 150 men, properly officered and accoutred, to be under the orders of the commanding-officer of that post, to enable the said officer more effectually to cover and protect the country :

That the secretary at war and superintendant of finance take order that proper magazines be laid up in the said fort, which may enable the commanding-officer in case the said post should be invested by the enemy, to render it tenable until relieved.

MONDAY, August 12, 1782.

In pursuance of the resolution of the 16th day of July last, the agents for the commonwealth of Pennsylvania and for Connecticut made report as follows :



*"To the honorable the Congress of the United States of America.*

We the underwritten agents on the part of the commonwealth of Pennsylvania and of the state of Connecticut, do humbly certify, that in pursuance of the resolution of Congress bearing date the 16th day of July last, we have met and conferred together, and by joint consent have appointed the following gentlemen as commissioners to constitute a court for hearing and determining the matter in question between the said states, that is to say, the hon. William Whipple, Esq; of New-Hampshire, the hon. major-general Nathaniel Greene, of Rhode-Island, the hon. David Brearley and William Churchill Houston, Esqrs; of New-Jersey, the hon. Cyrus Griffin and Joseph Jones, Esqrs; of Virginia, and the hon. John Rutledge, Esq; of South-Carolina, any five or more of whom we have agreed shall constitute a court, and have authority to proceed and determine the matter and difference between the said states. At the same time we beg leave most humbly to request, that Congress will be pleased to determine how much shall be allowed to the said commissioners as a compensation for their services, and also in what manner and by whom they shall be paid.

Dated the 8th day of August, in the year of our Lord 1782, and in the 7th year of our independence.

Signed,	William Bradford, jun.	} Agents for Pennsylv-	
	Joseph Reed,		nia.
	Jonathan D. Sergeant,		
	H. Osborne,	} Agents for Connecticut."	
	Eliphalet Dyer,		
	Jesse Root,		

On the report of a committee, consisting of Mr. Lowell, Mr. Cornell and Mr. Madison, to whom was referred a letter of the 9th of July from the commander in chief, with sundry papers enclosed:

*Resolved,* That Congress approve the conduct of general Washington, in refusing to enter into any discussion with general Carleton on the subject of the treason laws passed by the several states.

*Resolved,* That the states of America which compose the union, being sovereign and independent, the laws respectively passed by them for their internal government and the punishment of their offending citizens, cannot be submitted to the discussion of a foreign power much less of an enemy.

On the report of a committee, consisting of Mr. Lee, Mr. Witherspoon and Mr. Rutledge, to whom was referred a letter of the 5th, from general Washington, Congress came to the following resolutions:

Whereas from the late publications, the people throughout the United States may be induced to believe that Congress have received authentic communications upon the subject of an approaching peace:

*Resolved,* That the letter of August the 2d, 1782, from sir Guy Carleton and admiral Digby to the commander in chief, be made public.

*Resolved,* That Congress consider the above letter as mere matter of information, inexplicit as to the nature and extent of the independency directed to be proposed by the British plenipotentiary; and as Congress have received no information on this subject from their mi-



nisters for negotiating a peace, therefore no public measure can or ought to be taken upon it in its present form.

*Resolved*, That it be, and it is hereby recommended to the several states in the union, not to remit of their exertions for carrying on the war with vigour, as the only effectual means of securing the settlement of a safe and honorable peace.

*Resolved*, That the commander in chief be directed to propose to his Britannic majesty's commanders at New-York, the appointment of commissioners to settle forthwith a general cartel for the exchange of prisoners, taking care that the liquidation of accounts and settlement of the balance due for the maintenance of prisoners, be provided for therein.

WEDNESDAY, August 14, 1782.

The committee, consisting of Mr. Lee, Mr. Rutledge and Mr. Cornell, to whom was referred a letter of the 5th, from major-general Gates, brought in a report; whereupon,

On motion of Mr. Rutledge, seconded by Mr. Cornell,

*Resolved*, That the resolution of the 5th day of October, 1780, directing a court of enquiry on the conduct of major-general Gates, be repealed; and that he take command in the main army as the commander in chief shall direct.

On the question to agree to this, the yeas and nays being required by Mr. Clark,

Massachusetts,	Mr. Jackson,	ay	}	*
Rhode-Island,	Mr. Cornell,	ay		
	Mr. Howell,	ay	}	ay
Connecticut,	Mr. Root,	ay		
	Mr. Huntington,	ay	}	ay
	Mr. Dyer,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. Scott,	ay		
New-Jersey,	Mr. Clark,	ay	}	ay
	Mr. Condict,	no		
	Mr. Witherspoon,	ay	}	ay
Pennsylvania,	Mr. Montgomery,	ay		
	Mr. Smith,	no	}	ay
	Mr. Clymer,	ay		
Delaware,	Mr. M <sup>r</sup> Kean,	ay	}	ay
	Mr. Wharton,	ay		
Maryland,	Mr. Hanson,	ay	}	*
Virginia,	Mr. Madison,	ay		
	Mr. Bland,	no	}	ay
	Mr. Lee,	ay		
North-Carolina,	Mr. Williamson,	ay	}	ay
	Mr. Blount,	ay		
South-Carolina,	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
	Mr. Gervais,	ay	}	ay
	Mr. Middleton,	ay		
Georgia,	Mr. Telfair,	ay	}	ay
	Mr. Jones,	ay		
	Mr. Few,	ay	}	



So it was resolved in the affirmative.

THURSDAY, August 15, 1782.

The proceedings and sentence of a general court-martial on the trial of major-general M'Dougall, having been read :

*Resolved*, That Congress approve the sentence of the said court.

*Ordered*, That a letter of the 14th from John Mitchell, late deputy quarter-master-general, complaining that a suit has been brought against him for articles purchased for the use of the army, be sent to the legislature of the state of Pennsylvania, to make provision as required by the requisition of the 19th of March last.

MONDAY, August 19, 1782.

Mr. Wright, a delegate for Maryland, returned, and took his seat.

TUESDAY, August 20, 1782.

The committee, consisting of Mr. Carroll, Mr. Randolph and Mr. Montgomery, to whom was referred the report of a committee on instructions to the delegates of Massachusetts, having reported, "that the facts and observations collected by the committee, be referred to the secretary for foreign affairs to be by him digested, completed, and transmitted to the ministers plenipotentiary of the United States for negotiating a treaty of peace."

A motion was made by Mr. Rutledge, seconded by Mr. Williamson, to postpone the consideration of the report to make way for a motion, which he read in his place by way of argument.

On the question for postponing, the yeas and nays being required by Mr. Telfair,

New-Hampshire,	Mr. Gilman,	no	}	*
Massachusetts,	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
Rhode-Island,	Mr. Cornell,	no		
	Mr. Howell,	no	}	no
Connecticut,	Mr. Root,	ay		
	Mr. Huntington,	ay	}	ay
	Mr. Dyer,	ay		
New-York,	Mr. Scott,	ay	}	*
New-Jersey,	Mr. Clark,	no		
	Mr. Witherspoon,	no	}	no
Pennsylvania,	Mr. Montgomery,	no		
	Mr. Smith,	ay	}	no
	Mr. Clymer,	no		
	Mr. Atlee,	no	}	*
Delaware,	Mr. Wharton,	no		
Maryland,	Mr. Hanson,	ay	}	ay
	Mr. Wright,	ay		
Virginia,	Mr. Madison,	ay	}	ay
	Mr. Bland,	ay		
	Mr. Lee,	ay	}	ay



<i>North-Carolina,</i>	Mr. <i>Williamson,</i>	ay	} ay
	Mr. <i>Blount,</i>	ay	
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	ay	} ay
	Mr. <i>Ramsay,</i>	ay	
	Mr. <i>Izard,</i>	ay	
	Mr. <i>Middleton,</i>	ay	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	ay	} ay
	Mr. <i>Jones,</i>	ay	
	Mr. <i>Few,</i>	ay	

So the question was lost.

A motion was made by Mr. WITHERSPOON, seconded by Mr. MONTGOMERY, that the report be committed :

And on the question for commitment, the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. <i>Gilman,</i>	no	} *
<i>Massachusetts,</i>	Mr. <i>Jackson,</i>	ay	
<i>Rhode-Island,</i>	Mr. <i>Cornell,</i>	ay	} ay
	Mr. <i>Howell,</i>	ay	
<i>Connecticut,</i>	Mr. <i>Root,</i>	ay	} ay
	Mr. <i>Huntington,</i>	ay	
	Mr. <i>Dyer,</i>	ay	
<i>New-York,</i>	Mr. <i>Duane,</i>	ay	} ay
	Mr. <i>Scott,</i>	ay	
<i>New-Jersey,</i>	Mr. <i>Clark,</i>	ay	} ay
	Mr. <i>Witherspoon,</i>	ay	
<i>Pennsylvania,</i>	Mr. <i>Montgomery,</i>	ay	} ay
	Mr. <i>Smith,</i>	ay	
	Mr. <i>Clymer,</i>	ay	
	Mr. <i>Atlee,</i>	ay	
<i>Delaware,</i>	Mr. <i>Wharton,</i>	ay	} *
<i>Maryland,</i>	Mr. <i>Hanson,</i>	ay	
	Mr. <i>Wright,</i>	ay	} ay
<i>Virginia,</i>	Mr. <i>Madison,</i>	ay	
	Mr. <i>Bland,</i>	ay	} ay
	Mr. <i>Lee,</i>	no	
<i>North-Carolina,</i>	Mr. <i>Williamson,</i>	ay	} ay
	Mr. <i>Blount,</i>	ay	
<i>South-Carolina,</i>	Mr. <i>Rutledge,</i>	ay	} ay
	Mr. <i>Ramsay,</i>	ay	
	Mr. <i>Izard,</i>	ay	
	Mr. <i>Gervais,</i>	ay	
	Mr. <i>Middleton,</i>	ay	
<i>Georgia,</i>	Mr. <i>Telfair,</i>	no	} ay
	Mr. <i>N. W. Jones,</i>	ay	
	Mr. <i>Few,</i>	ay	

So it was resolved in the affirmative.

On the report of a committee, consisting of Mr. MONTGOMERY, Mr. CORNELL and Mr. BLAND, to whom was referred a letter of the 12th from the secretary at war, covering the extract of a letter from the commander in chief :



*Resolved*, That the secretary at war be, and he is hereby directed, to issue clothing, from time to time, in like proportion as to the continental troops, to the two regiments of infantry raised by the state of New-York under the resolution of Congress of the 2d day of April, 1781, though the continental regiments of that state are not quite completed to the establishment.

*Resolved*, That the commissioners of Indian affairs, in the northern-department, report to Congress, as soon as may be, the articles necessary to clothe the Indians in our interests, so as to make them useful and to appear with respect among the other tribes.

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WEDNESDAY, August 21, 1782.

On a report from the secretary at war, to whom were referred the proceedings of a court of enquiry on a complaint against captain Gun :

*Resolved*, That the secretary at war be directed to inform major-general Greene, that Congress are well satisfied with the general orders issued by him on the report of the court of enquiry, on a complaint exhibited against captain Gun for disposing of a public horse as his own property : that the principles advanced in his orders are well founded, and that an approbation of the sentiments of the court, would have been to establish a precedent repugnant to reason and justice, and subversive of that order and system which gives security to public property : that general Greene be directed to order captain Gun to replace the horse he sold with another equally good.

*Resolved*, That should any commissioned officer be convicted at a general court-martial of having sold or disposed of a public horse, it shall be considered as a breach of the 1st article of the 12th section of the articles of war.

On the report of a committee, consisting of Mr. Howell, Mr. Clark and Mr. Osgood, to whom was referred a report of the secretary at war concerning Fortune Stoddard, a soldier of the Rhode-Island regiment :

*Resolved*, That the executive authority of the state of Maryland be requested to discharge from confinement, Fortune Stoddard, a soldier belonging to the Rhode-Island regiment, confined for costs accrued in a late prosecution, and charge such costs to the United States, transmitting to the secretary at war the account thereof, in order that the same may be charged to the said soldier and deducted out of his pay.

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FRIDAY, August 23, 1782.

The agents for the commonwealth of Pennsylvania and the state of Connecticut, represent to the United States in Congress assembled, as follows :

“ That having met and conferred together, and being informed that there is not any reason to hope for the attendance of major-general Greene, as one of the commissioners for determining the dispute subsisting between us, and that the hon. John Rutledge, Esq; has declined serving, we have mutually appointed the hon. Thomas Nelson, Esq; of Virginia, and Welcome Arnold, Esq; of Rhode-Island, as commis-



tioners in their stead ; and we do pray that they, together with the other five, may be commissioned for that purpose.

Dated the 21st of August, 1782.

Signed,	William Bradford, jun.	} Agents for Pennsylv-
	Joseph Reed,	
	James Wilson,	
	Jonathan D. Sergeant,	
	Eliphalet Dyer,	} Agents for Connecticut."
	Jesse Root,	

The said agents also laid before Congress the following instrument of agreement :

" It is agreed between the agents for the commonwealth of Pennsylvania and the state of Connecticut, that Congress be requested to approve the appointment by the said agents of the hon. William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones and Thomas Nelson, Esqrs; and to constitute them or any five or more of them, a court of commissioners to hear and finally determine the dispute between the said states, relative to their respective claims and possessions, agreeably to the 9th article of the confederation ; and that a commission be made out for them under the seal of the United States, and signed by the president of Congress ; that each commissioner be allowed ten dollars a-day for the time he shall be employed in the said business, for his services and expenses, to be paid in the first instance, one half by the state of Pennsylvania and one half by the state of Connecticut : that the commissioners or any five or more of them, do meet at Trenton, in New-Jersey, on Tuesday the 12th day of November next, and have power to adjourn, from time to time, and place to place, as they shall judge it necessary, until they shall make a final decision in the said cause ; and that a copy of their resolutions be transmitted to each of the said commissioners, and their attendance on the said business requested.

Dated 21st August, 1782.

Signed,	William Bradford, jun.	James Wilson,
	Joseph Reed,	Jonathan D. Sergeant,
	Eliphalet Dyer,	Jesse Root."

Whereupon, *Ordered*, That the secretary prepare and report the draught of a commission for the said William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones and Thomas Nelson, or any five or more of them, as commissioners or judges nominated by the states of Pennsylvania and Connecticut, to determine the dispute between the said states agreeably to the 9th article of the confederation.

On the report of a committee, consisting of Mr. Montgomery, Mr. Bland and Mr. Cornell, to whom was referred a letter of the 11th July, from major-general Greene :

Whereas it may occasionally become necessary for the good of the service, that the cavalry and infantry of the legionary and partizan corps should do duty separate, or by being detached with other troops :

*Resolved*, That the commanding-officer of the army in which any of the legionary or partizan corps shall serve, may, when the good of the service in his opinion shall require it, detach either the cavalry or



infantry thereof separately, on occasional service, as he may think proper, to do duty by themselves or with any other troops in the army; that he may also brigade them with other troops, if in his opinion the public good require it.

*Resolved*, That the legionary and partizan corps shall generally be entitled to take post according to seniority, but shall be liable to such disposition as the said commanding-officer shall find expedient for the good of the service; and the officers of both horse and foot shall take rank in the army according to priority of commissions.

MONDAY, August 26, 1782.

The superintendant of finance and secretary at war, to whom was referred an application of Mr. Rubsamen, having reported, that in their opinion his services as an instructor in making salt-petre are no longer needed:

*Resolved*, That Congress agree to the report.

*Ordered*, That Mr. Rubsamen present his accounts against the United States for settlement.

TUESDAY, August 27, 1782.

On the report of a committee, consisting of Mr. Cornell, Mr. Montgomery and Mr. M'Kean, to whom was referred a letter of the 11th July from the governor of Virginia to the delegates of that state:

*Resolved*, That the executive of the state of Virginia be informed, that it is inexpedient to continue a garrison at either of the towns of York or Gloucester at the expense of the United States.

*Resolved*, That the said executive be requested to transmit to the superintendant of finance, a full state of facts relating to the expense that has already arisen respecting the aforesaid garrisons, with the accounts and vouchers, that such order may be taken thereon as shall appear just.

WEDNESDAY, August 28, 1782.

Mr. Carroll, a delegate for Maryland, and Mr. L'Hommedieu, a delegate for New-York, attended, and took their seats.

The secretary, pursuant to order, prepared the draught of a commission, which was agreed to as follows:

*The United States in Congress assembled.*

To all whom it may concern:

Whereas the 9th article of the confederation provides that "the United States in Congress assembled, shall be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise, between two or more states concerning boundary, jurisdiction, or any other cause whatever, which authority shall always be exercised in the manner following: whenever the legislature or executive authority, or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by



their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question ; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons, each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen, and from that number, not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy ; so always as a major part of the judges, who shall hear the cause, shall agree in the determination ; and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing ; and the judgment or sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive ; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to Congress and lodged among the acts of Congress for the security of the parties concerned : provided that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, “ well and truly to hear and determine the matter in question according to the best of his judgement, without favour, affection or hope of reward :” provided also, that no state shall be deprived of territory for the benefit of the United States. And whereas, the president and supreme executive council of the state of Pennsylvania did, on or about the 3d day of November, in the year of our Lord 1781, present a petition to the United States in Congress assembled, stating “ that a controversy has long subsisted between the said state of Pennsylvania and the state of Connecticut, respecting sundry lands lying within the northern boundary of the state of Pennsylvania, and praying for a hearing in pursuance of the 9th article of the confederation ;” whereupon notice was given to the state of Connecticut, and a day was assigned for the appearance of the parties by their lawful agents, at the place in which Congress should then be sitting : and whereas, in pursuance of the said notice, the states of Pennsylvania and Connecticut appearing before Congress by their lawful agents, viz. on the 16th day of July last, they were directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question, agreeably to the 9th article of the confederation. And whereas, the said agents by two instruments of writing, the one dated the 8th, and the other the 21st of the present month of August, both signed by them and lodged among our archives, have certified, “ that in pursuance of the said direction, they have met and conferred together, and by joint consent



have appointed the following gentlemen as commissioners to constitute a court for hearing and determining the matter in question between the said states, that is to say, the hon. William Whipple, Esq; of New-Hampshire; the hon. Welcome Arnold, Esq; of Rhode-Island; the hon. David Brearley and William Churchill Houston, Esqrs; of New-Jersey; the hon. Cyrus Griffin, Joseph Jones and Thomas Nelson, Esqrs; of Virginia; any five or more of whom to constitute a court and have authority to proceed and determine the matters in difference between the said states." And by another instrument of agreement, bearing date the 21st day of August, 1782, and signed by them the said agents, and lodged among our archives, have among other things, requested Congress to approve the appointment, by the said agents, of the said hon. William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones and Thomas Nelson, Esqrs; and to constitute them or any five or more of them, a court of commissioners to hear and finally determine the dispute between the said states relative to their respective rights, claims and possessions, agreeably to the 9th article of the confederation; and that a commission be made out for them under the seal of the United States in Congress assembled, and signed by the president of Congress; and that the commissioners or any five or more of them, do meet at Trenton, in New-Jersey, on Tuesday the 12th day of November next, and have power to adjourn, from time to time, and place to place, as they shall judge it necessary, until they shall make a final decision in the said cause. Now be it known, that in virtue of the authority vested in us as aforesaid, and in consequence of the before-mentioned appointment and agreement, we have caused these our letters patent to be issued, constituting and declaring, and we do hereby constitute and declare the said William Whipple, Welcome Arnold, David Brearley, William Churchill Houston, Cyrus Griffin, Joseph Jones and Thomas Nelson, or any five or more of them, to be a court of commissioners, with all the powers, prerogatives and privileges incident or belonging to a court, to meet at Trenton, in the state of New-Jersey, on Tuesday the 12th day of November next, to hear and finally determine the controversy between the said state of Pennsylvania and the state of Connecticut, so always as a major part of the said commissioners, who shall hear the cause, shall agree in the determination; and if any of the parties shall refuse to submit to the authority of the said court, or to appear or defend their claim or cause, the said court shall nevertheless proceed to pronounce sentence or judgment, and the judgment or sentence of the court shall be final and conclusive; the judgment or sentence and other proceedings being in either case transmitted to Congress and lodged among the acts of Congress, for the security of the parties concerned; provided that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "well and truly to hear and determine the matter in question according to the best of his judgment, without favour, affection or hope of reward:" provided also, that no state shall, by their said judgment, be deprived of territory for the benefit of the United States; and in case a sufficient number of the commissioners do not meet on



the day assigned to form a court, we do hereby authorize and empower any one or more of the said commissioners, to adjourn from day to day, or from time to time, until a number meet sufficient to make a court; and we do hereby authorize and empower the said court to adjourn from time to time, and place to place, as they shall judge it necessary, until they shall make a final decision in the said cause. In testimony whereof, we have caused these our letters and commission to be made patent.

Given under our seal, and signed by his excellency John Hanson, Esq; president, in Congress, this 28th day of August, in the year of our Lord 1782, and in the 7th year of our independence.

*Ordered*, That notice be sent to each of the commissioners above-mentioned, to meet at the time and place appointed.

THURSDAY, August 29, 1782.

On the report of a committee, consisting of Mr. Rutledge, Mr. Montgomery and Mr. Osgood, appointed to confer with the superintendant of finance respecting the providing packets:

*Resolved*, That the superintendant of finance be directed to take order for purchasing and employing the ship Washington for the purpose of a packet to and from Europe.

The secretary at war, to whom was referred a memorial of lieutenant-colonel Antil, reported, "that by the reform of the army which will take place on the first day of January next, lieutenant-colonel Antil will become a supernumerary officer and must then retire, and as his services in the intermediate time may be dispensed with, and the indulgence he solicits may without injuring the public interest be granted, that it be resolved, that lieutenant-colonel Antil be permitted to retire from service with the emoluments granted to retiring officers by the resolutions of Congress of the 3d and 21st of October, 1780."

A motion was made by Mr. Atlee, seconded by Mr. Cornell, "that the report be referred back to the secretary at war to take order,"

And on the question to agree to the motion, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	} *
<i>Massachusetts,</i>	Mr. Osgood,	no	
	Mr. Jackson,	ay	} divided.
<i>Rhode-Island,</i>	Mr. Cornell,	ay	
	Mr. Howell,	no	} divided.
<i>Connecticut,</i>	Mr. Huntington,	ay	
	Mr. Dyer,	ay	} ay
<i>New-York,</i>	Mr. Duane,	ay	
	Mr. L'Hommedieu,	ay	} ay
<i>New-Jersey,</i>	Mr. Clark,	no	
	Mr. Condict,	no	} no
	Mr. Witherspoon,	ay	
<i>Pennsylvania,</i>	Mr. Montgomery,	no	} no
	Mr. Smith,	no	
	Mr. Atlee,	ay	
<i>Delaware,</i>	Mr. Wharton,	ay	} *



<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Wright,	ay		
<i>Virginia,</i>	Mr. Madison,	ay	}	ay
	Mr. Bland,	no		
	Mr. Lee,	ay		
<i>North-Carolina,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
	Mr. Izard,	ay		
	Mr. Gervais,	ay		
	Mr. Middleton,	ay		
<i>Georgia,</i>	Mr. Telfair,	ay	}	*

So the question was lost.

On the question to agree to the report, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
	Mr. Osgood,	no		
<i>Massachusetts,</i>	Mr. Jackson,	ay	}	divided.
	Mr. Cornell,	no		
	Mr. Howell,	no		
<i>Rhode-Island,</i>	Mr. Huntington,	ay	}	divided.
	Mr. Dyer,	no		
<i>Connecticut,</i>	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay		
<i>New-York,</i>	Mr. Clark,	no	}	no
	Mr. Conduct,	no		
	Mr. Witherspoon,	no		
<i>New-Jersey,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Atlee,	ay		
<i>Pennsylvania,</i>	Mr. Wharton,	ay	}	*
	Mr. Hanson,	ay		
<i>Delaware,</i>	Mr. Wright,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	no		
<i>Virginia,</i>	Mr. Lee,	ay	}	ay
	Mr. Williamson,	no		
	Mr. Blount,	no		
<i>North-Carolina,</i>	Mr. Rutledge,	ay	}	no
	Mr. Ramsay,	no		
<i>South-Carolina,</i>	Mr. Izard,	ay	}	ay
	Mr. Gervais,	ay		
	Mr. Middleton,	ay		
	Mr. Telfair,	ay		
		ay		
<i>Georgia,</i>		ay	}	*

So it passed in the negative.

FRIDAY, August 30, 1782.

On motion of Mr. Montgomery, pursuant to a resolution of the general assembly of Pennsylvania,



*Resolved*, That a committee be appointed to confer with a committee of the general assembly and a committee of the supreme executive council of Pennsylvania, on the present critical situation of affairs on the frontiers:

The members, Mr. Carroll, Mr. Wither Spoon and Mr. Duane.

A memorial from the general assembly of Pennsylvania, was read, respecting the payment of interest on money lent to the United States, and the settlement and payment of debts due to the inhabitants of that state by the United States.

*Ordered*, That it be referred to a grand committee, consisting of a member from each state.

---

TUESDAY, September 3, 1782.

On the report of a committee, consisting of Mr. Cornell, Mr. Ofgood, Mr. Izard, Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States in the several departments:

*Resolved*, That all resolutions heretofore passed respecting the pay and emoluments of the field-commissary of military-stores, his deputies, conductors and clerks be, and they are hereby repealed.

*Resolved*, That the pay and emoluments of the field-commissary of military-stores shall be 50 dollars per month, two rations per day, forage for two saddle-horses and one bat-horse. He shall also be allowed  $6\frac{2}{3}$  dollars per month for a servant, for whom he shall be entitled to draw one ration per day and the clothing allowed to a private soldier:

That the pay and emoluments of a deputy field-commissary of military-stores for the southern army, shall be 40 dollars per month, two rations per day, forage for two saddle-horses and one bat-horse. He shall also be allowed  $6\frac{2}{3}$  dollars per month for a servant, for whom he shall be entitled to draw one ration per day and the clothing allowed to a private soldier.

*Resolved* That the pay and emoluments of the deputy field-commissary of military-stores at West-Point, shall be 40 dollars per month and two rations per day.

That the pay and emoluments of the conductors or clerks shall be 30 dollars per month and one ration per day.

*Resolved*, That there shall be one field-commissary of military-stores and two conductors or clerks, for the main army in the field; one deputy field-commissary of military-stores and two conductors or clerks, for West-Point; one deputy field-commissary of military-stores and two conductors or clerks, for the southern army; and one conductor for the post at Fort-Pitt; who shall be appointed by the commanding-officer of the artillery, with the approbation of the commander in chief; excepting for the southern army, in which department the appointment shall be made by the commanding-officer of artillery there, with the approbation of the commanding-officer of that department.

On motion of Mr. Ramsay, seconded by Mr. Few,

*Resolved*, That the reasonable expenses of the post-master-general or of some trusty person in his department appointed by him, in travelling to and from Georgia on the business of the post-office, shall be defrayed by the United States.



The committee, consisting of Mr. Jones, Mr. Clark and Mr. Osgood, to whom was referred a letter of the 24th of June last from Thomas Edison, delivered in a report; whereupon,

On motion of Mr. Clark, seconded by Mr. Carroll,

*Resolved*, That the superintendant of finance be, and he is hereby directed to advance to Thomas Edison, at the rate of 500 dollars per annum, to be paid monthly, to commence the 23d day of April last, in compliance with the resolution of that day, including what he may have received in consequence thereof; the said allowance to continue so long as the same may be necessary for his support, not exceeding one year.

On motion of Mr. Osgood, seconded by Mr. Williamson,

Whereas the *Magnifique*, a 74 gun ship belonging to the fleet of his most Christian majesty, commanded by the marquis de Vaudreuil, has been lately lost by accident in the harbour of Boston, and Congress are desirous of testifying on this occasion to his majesty, the sense they entertain of his generous exertions in behalf of the United States:

*Resolved*, That the agent of marine be, and he is hereby instructed to present the *America*, a 74 gun ship, in the name of the United States, to the chevalier de la Luzerne for the service of his most Christian majesty.

\*  
WEDNESDAY, September 4, 1782.

On the report of a grand committee, consisting of a member from each state:

*Resolved*, That 1,200,000 dollars be quoaded on the states, as absolutely and immediately necessary for payment of the interest of the public debt; and that it be recommended to the legislatures of the respective states, to lay such taxes as shall appear to them most proper and effectual for immediately raising their quota of the above sum.

*Resolved*, That the money so raised in each state shall be applied towards paying the interest due on certificates issued from the loan-office of such state, and other liquidated debts of the United States contracted therein, before any part thereof shall be paid into the public treasury.

*Ordered*, That the foregoing resolutions be referred to the grand committee to assess and report the quota of each state.

\*  
THURSDAY, September 5, 1782.

Mr. J. Jones, a delegate for Virginia, attended, and took his seat.

The committee, consisting of Mr. Gilman, Mr. Ramfay, Mr. Condict, Mr. Smith and Mr. Dyer, appointed pursuant to the resolution of the 17th of June, 1782, to enquire fully into the department of the post-office, reported the result of their enquiries, which was read.

On motion of Mr. Smith, seconded by Mr. Atlee,

*Resolved*, That the commander in chief be authorized to employ that part of the Pennsylvania line now in that state, in such manner as he shall judge most conducive to the public good, the resolutions of the 20th of February and 19th of March, 1781, notwithstanding.

On motion of Mr. Rutledge, seconded by Mr. Wither Spoon,

*Ordered*, That copies of the estimates of the domestic debt of the



United States, laid before Congress by the superintendant of finance, and an extract of his letter on that subject, be transmitted to the several states with the requisition of yesterday.

The order of the day being called for, to take into further consideration the report of the grand committee, and the following proposition, part of the report being under debate, viz.

"That it is their opinion that the western lands, if ceded to the United States, might contribute towards a fund for paying the debt of these states."

A motion was made by Mr. Bland, seconded by Mr. Lee, to add, "and therefore resolved, that Congress do accept the cession of territory made to them, by the state of Virginia by their act bearing date 2d January, 1781, by the state of New-York on the 1st of March, 1781, and by the state of Connecticut in October, 1780, with the conditions therein named."

This amendment being objected to as out of order, and the debate turning on a question of order :

A motion was made by Mr. Duane, seconded by Mr. McKean, "that the farther consideration of the report of the grand committee be postponed till to-morrow, to make way for the report of a committee on a letter from general Washington."

And on the question for postponing, the yeas and nays being required by Mr. Lee,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
<i>Rhode-Island,</i>	Mr. Cornell,	ay	}	divided.
	Mr. Howell,	no		
<i>Connecticut,</i>	Mr. Huntington,	ay	}	divided.
	Mr. Dyer,	no		
<i>New-York,</i>	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Condict,	ay		
	Mr. Witherspoon,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Montgomery,	ay		
	Mr. Smith,	ay		
	Mr. Clymer,	ay		
	Mr. Atlee,	ay	}	ay
<i>Delaware,</i>	Mr. McKean,	ay		
	Mr. Wharton,	ay	}	ay
<i>Maryland,</i>	Mr. Hanson,	ay		
	Mr. Carroll,	ay		
	Mr. Wright,	ay		
<i>Virginia,</i>	Mr. Bland,	no	}	no
	Mr. Lee,	no		
<i>North-Carolina,</i>	Mr. Williamson,	ay	}	ay
	Mr. Blount,	ay		
<i>South-Carolina,</i>	Mr. Rutledge,	ay	}	ay
	Mr. Ramsay,	ay		
	Mr. Izard,	ay		
	Mr. Gervais,	ay		
	Mr. Middleton,	no	}	



Georgia,

Mr. Telfair,  
Mr. Jones,  
Mr. Few,

ay }  
ay } ay  
ay }

So it was resolved in the affirmative.

The report of a committee, consisting of Mr. Bland, Mr. Duane and Mr. Cornell, to whom was referred a letter of the 26th of August, from the secretary at war, and also a letter from general Washington, relative to a cartel, was taken into consideration and some progress made therein.

FRIDAY, September 6, 1782.

Congress resumed the consideration of the report of the committee relative to a cartel; and after debate, the farther consideration thereof was postponed till Monday next.

Congress resumed the consideration of the report of the grand committee, and the following paragraph being read:

"That it is their opinion that the western lands, if ceded to the United States, might contribute towards a fund for paying the debts of these states."

A motion was made by Mr. Rutledge, seconded by Mr. Lee, to amend it, by inserting after "United States," the following words, "by the several states to which they belong."

A motion was made by Mr. Dyer, seconded by Mr. M'Kean, to amend the amendment, by striking out the words "to which they belong," and in lieu thereof, inserting "claiming the same."

A motion was then made by Mr. Witherspoon, seconded by Mr. Howell, to postpone the consideration of the paragraph with the amendments, and to take into consideration the following set of resolutions:

"That if the several states claiming the exclusive property of the western lands, would make cessions of them to the United States, agreeably to the recommendation of Congress of the 6th of September and the resolution of the 10th of October, 1780, it would be an important fund for the discharge of the national debt:

That, therefore, it be recommended to those states which have made no cessions, as soon as possible to take the above recommendation into consideration and determine thereon:

That it be recommended to those states which have cessions not entirely agreeably to the above recommendation to reconsider them, and send the result to the United States in Congress assembled:

That in case of a compliance with the above recommendation, no determinations of the particular states relating to private property of lands within those cessions, shall be reversed or altered without their consent, unless in such cases as the 9th article of the confederation shall render it necessary."

On the question to agree to this last motion, the yeas and nays being required by Mr. Rutledge,

New-Hampshire,  
Massachusetts,

Mr. Gilman,  
Mr. Osgood,  
Mr. Jackson,  
Mr. Cornell,  
Mr. Howell,

ay } \*  
ay }  
ay } ay  
ay }  
ay } ay



Connecticut,	Mr. Huntington,	ay	}	ay
	Mr. Dyer,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay		
New-Jersey,	Mr. Clark,	no	}	no
	Mr. Condict,	no		
	Mr. Witherspoon,	ay	}	
Pennsylvania,	Mr. Montgomery,	ay		
	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
	Mr. Atlee,	ay	}	
Delaware,	Mr. M'Kean,	ay		
	Mr. Wharton,	ay	}	ay
Maryland,	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
	Mr. Wright,	ay		
Virginia,	Mr. Madison,	ay	}	
	Mr. Bland,	no		
	Mr. Lee,	no	}	no
North-Carolina,	Mr. Williamson,	no		
	Mr. Blount,	ay	}	divided.
South-Carolina,	Mr. Rutledge,	no		
	Mr. Ramsay,	ay	}	
	Mr. Izard,	ay		
	Mr. Gervais,	no	}	no
	Mr. Middleton,	no		
Georgia,	Mr. Jones,	no	}	no
	Mr. Few,	no		

So it was resolved in the affirmative.

The resolutions being then read :

On motion of Mr. Clark,

*Ordered*, That they be referred to a committee of five.

MONDAY, September 9, 1782.

The committee, consisting of Mr. Montgomery, Mr. Clark and Mr. Dyer, appointed to confer with the superintendant of finance, relative to the drawing bills of exchange for the payment of interest, report,

“ That there are no funds in Europe for the payment of bills for interest due on loan-office certificates since the first day of March last ; that there are no bills of exchange in the loan-office of any of the states, except those provided for the payment of interest due up to the first of March last ; and that should any be issued from the offices at this time, for interest due since that time, it must be to the injury of those claimants for whose benefit they were intended ;” whereupon,

*Resolved*, That the superintendant of finance be, and he is hereby directed to give immediate orders to the commissioners of the loan-offices in the several states, to issue no bills of exchange for the interest which hath or may hereafter become due on loan-office certificates since the first day of March last.

Congress resumed the consideration of the report of the committee, on the report of the secretary at war of the 26th of August, and the



letter of the 28th of the same month from the commander in chief; the report of the committee being as follows:

“ That your committee have carefully revised the report of the commissioners authorized by the commander in chief in pursuance of the act of Congress of the 18th of February last, to treat with the commissioners of sir Henry Clinton and admiral Digby, then commanding the British land and naval forces at New-York, upon a general cartel for subsisting, safe keeping, exchanging and better treating all land and naval prisoners of war:

That in the opinion of your committee, the propositions and claims on the part of the United States in the course of the said negociation, were founded in equity and justified on principles obviously dictated by the circumstances of the war:

That there is too much reason to ascribe the inefficacy of the convention, to the predetermination of sir Henry Clinton to regain his captive soldiers, without regard to the enormous debt which had accrued and is daily encreasing for their subsistence:

That contending with an enemy whose chief confidence is placed in her riches and naval strength, and who is now disabled by the loss of a veteran army which cannot easily be replaced, the officers of the British general and admiral of a pecuniary composition for the large balance of prisoners of war, and of an exchange of a sailor for a soldier, were equally inadmissible; since a cartel acceded to on such grounds would render our victories fruitless, prolong the calamities of war, discourage the ardor of our troops, and endanger our national safety:

That the attempts of the British commanders to enflame the minds of the marine prisoners in their power, and detach them from their allegiance, because an exchange on terms so detrimental to the public safety, could not be adopted, appear to your committee to be insidious and dishonorable.

With respect to the information contained in the extract of sir Guy Carleton and admiral Digby's letter of the 2d of August, referred to your committee, “ that after Mr. Laurens was discharged, he declared that he considered lord Cornwallis as freed from his parole.” Your committee conceive it sufficient to observe, that no intimation having been received of such a fact except from the said extract, and Congress having given no directions to that purpose, the consideration thereof would, in their opinion, be premature, and ought therefore to be deferred:

That in the opinion of your committee, chaplains, surgeons or hospital officers who shall be captured in future, may not be considered as prisoners of war; but that the condition offered by sir Guy Carleton to reconcile the unequal proposition of exchanging sailors for soldiers, namely, “ that the former shall be at liberty to serve the moment they are released, but the latter shall not serve in nor against the United States for one year,” is by no means satisfactory; for not to urge that the captive seamen are in general private citizens employed in the pursuit of commerce, and not as the proposition implies, attached to any public service: the facility with which British soldiers might be exchanged for the West-India garrisons, and the injury our ally might sustain by their operating against his possessions, are sufficient reasons to disprove the equity of the condition:



Your committee beg leave to add, that in their opinion the commission to be given on the part of the British commanders in chief, of the land as well as naval forces, for concluding a general cartel in pursuance of the late act of Congress, ought to express that it is derived from or founded upon the ultimate authority of the king of Great-Britain, so that if a cartel should be established, it may not be considered as the unauthoritative act of an individual, destitute of a binding force on the British nation. A construction which your committee have the greatest reason to believe was given by the British ministry to a former agreement for the exchange of prisoners when sir William Howe commanded in America. Your committee are the rather induced to recommend this precaution, because it seems probable that engagements may be taken in the proposed negotiation for securing a part of the large balance which is due to the United States on account of the subsistence of British prisoners. If this remark deserves attention, it is the opinion of your committee that the powers of the commander in chief, for treating of and establishing a general cartel for the exchange of prisoners, either by himself or commissioners, should be granted by letters patent under the seal of the United States:

Your committee cannot refrain from reminding Congress of the great weight of expense which is thrown upon the United States by the subsistence of so many thousand prisoners of war, for which the enemy constantly refuse to make a reasonable provision; and that in the opinion of your committee, the commander in chief ought to be instructed to remonstrate against the inhumanity and injustice of this procedure, and to insist in the most decided terms on reasonable satisfaction; and that if these, like former representations, should produce no effect, it will be high time to take measures, however disagreeable, for diminishing a burthen which is become intolerable."

Whereupon, *Resolved*, That Congress approve the preceding report, and that it shall serve as an instruction to the commander in chief in executing the commission for authorizing a general cartel for the exchange of prisoners of war, &c.

On the report of a committee, consisting of Mr. Rutledge, Mr. Bland, Mr. Montgomery, Mr. Clark and Mr. Cornell, to whom was referred a letter of the 6th, from the secretary at war, together with an extract of a letter of the 1st, from the commander in chief:

*Resolved*, That Congress approve of the Maryland recruits now in that state and Armand's horse, joining the main army.

*Resolved*, That major-general Greene remain in the southern-department with the rest of the troops under his command, until further orders from the commander in chief; and that copies of this resolve be transmitted to the commander in chief and to major-general Greene.

*Resolved*, That the commander in chief be informed, that it is represented to Congress, to be indispensably necessary to keep a regular force in that department; that he be directed to make the necessary enquiry into the circumstances of the southern-states, and to employ such force therein as he may think proper; and that he direct major-general Greene, whilst in the southern-department, to employ the troops under his command offensively or defensively, in such manner as may be most conducive to the interest of the United States.



*TUESDAY, September 10, 1782.*

On the report of the secretary at war, to whom was referred a letter of the 8th, from captain Carnes, relative to the recruiting the second partizan corps :

*Ordered,* That the secretary at war forward to the commander in chief a copy of major-general Greene's letter on the subject; and that he inform captain Carnes, that his farther attendance on this business can be dispensed with.

On motion of Mr. Smith, seconded by Mr. Dyer,

*Resolved,* That the agent of marine be, and he is hereby directed to collect and lay before Congress, as soon as may be, authentic returns of the seamen who have been captured, and admitted to parole, or otherwise liberated, by private vessels of war or letters of marque commissioned by Congress.

The grand committee, consisting of Mr. Gilman, Mr. Jackson, Mr. Howell, Mr. Dyer, Mr. Duane, Mr. Witherpoon, Mr. Clymer, Mr. M'Kean, Mr. Carroll, Mr. Lee, Mr. Williamson, Mr. Rutledge and Mr. Telfair, to whom were referred the resolutions of the 4th, in order to assess the quotas of the several states of the 1,200,000 dollars, required for the payment of the interest of the domestic debt, report,

" That the 1,200,000 dollars, to be raised for the payment of the interest of the domestic debt of the United States, be apportioned to the several states according to the following quotas, viz.

New-Hampshire,	-	-	48,000
Massachusetts,	-	-	192,000
Rhode-Island,	-	-	28,800
Connecticut,	-	-	133,200
New-York,	-	-	54,000
New-Jersey,	-	-	66,000
Pennsylvania,	-	-	180,000
Delaware,	-	-	16,800
Maryland,	-	-	132,000
Virginia,	-	-	174,000
North-Carolina,	-	-	88,800
South-Carolina,	-	-	72,000
Georgia,	-	-	14,400

1,200,000

A motion was made by Mr. Gilman, seconded by Mr. Lee, " that the quota of New-Hampshire be reduced to 42,000."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Gilman,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Cornell,	ay		
	Mr. Howell,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	no	}	divided.



<i>New-York,</i>	Mr. Duane,	no	}	no
	Mr. L'Hommedieu,	no		
<i>New-Jersey,</i>	Mr. Clark,	no	}	no
	Mr. Condict,	ay		
	Mr. Witherspoon,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Smith,	no	}	no
	Mr. Clymer,	no		
	Mr. Atlee,	no	}	no
<i>Delaware,</i>	Mr. M'Kean,	no		
	Mr. Wharton,	no	}	no
<i>Maryland,</i>	Mr. Hanson,	no		
	Mr. Carroll,	no	}	no
	Mr. Wright,	no		
<i>Virginia,</i>	Mr. Madison,	no	}	no
	Mr. Bland,	no		
	Mr. Lee,	ay	}	no
<i>North-Carolina,</i>	Mr. Williamson,	no		
	Mr. Blount,	no	}	no
<i>South-Carolina,</i>	Mr. Rutledge,	no		
	Mr. Ramsay,	no	}	no
	Mr. Izard,	no		
	Mr. Gervais,	no	}	no
	Mr. Middleton,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. Jones,	no		
	Mr. Few,	ay	}	no

So it passed in the negative.

A motion was made by Mr. Osgood, seconded by Mr. Jackson, "that the sum of 9000 dollars be taken from the quota of Massachusetts and added to that of Virginia."

And on the question to agree to this, the yeas and nays being required by Mr. Osgood,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Cornell,	no		
	Mr. Howell,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	no		
	Mr. Dyer,	no	}	no
<i>New-York,</i>	Mr. Duane,	no		
	Mr. L'Hommedieu,	no	}	no
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no	}	no
	Mr. Atlee,	no		



Delaware,	Mr. M <sup>c</sup> Kean,	no	}	no
	Mr. Wharton,	no		
Maryland,	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
	Mr. Wright,	no		
Virginia,	Mr. Madison,	no	}	no
	Mr. Bland,	no		
	Mr. Lee,	no		
North-Carolina,	Mr. Williamson,	no	}	no
	Mr. Blount,	no		
South-Carolina,	Mr. Rutledge,	no	}	no
	Mr. Ramsay,	no		
	Mr. Izard,	no		
	Mr. Gervais,	no		
	Mr. Middleton,	no		
Georgia,	Mr. Telfair,	no	}	no
	Mr. Jones,	no		
	Mr. Few,	ay		

So it passed in the negative.

A motion was made by Mr. Cornell, seconded by Mr. Howell, "that 2800 be taken from the quota of Rhode-Island and added to that of New-Jersey."

And on the question to agree to this, the yeas and nays being required by Mr. Cornell,

New-Hampshire,	Mr. Gilman,	no	}	*
	Mr. Osgood,	no		
Massachusetts,	Mr. Jackson,	no	}	no
	Mr. Cornell,	ay		
Rhode-Island,	Mr. Howell,	ay	}	ay
	Mr. Huntington,	no		
Connecticut,	Mr. Dyer,	no	}	no
	Mr. Duane,	no		
New-York,	Mr. L'Hommedieu,	no	}	no
	Mr. Clark,	no		
New-Jersey,	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
Pennsylvania,	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
	Mr. Atlee,	no		
Delaware,	Mr. M <sup>c</sup> Kean,	no	}	no
	Mr. Wharton,	no		
Maryland,	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
	Mr. Wright,	no		
Virginia,	Mr. Madison,	no	}	no
	Mr. Bland,	no		
	Mr. Lee,	no		
North-Carolina,	Mr. Williamson,	no	}	no
	Mr. Blount,	no		



<i>South-Carolina,</i>	Mr. Rutledge,	no	}	no
	Mr. Ramsay,	no		
	Mr. Izard,	no		
	Mr. Gervais,	no		
	Mr. Middleton,	no		
<i>Georgia,</i>	Mr. Telfair,	no	}	no
	Mr. Jones,	no		
	Mr. Few,	ay		

So it passed in the negative.

A motion was then made by Mr. Dyer, seconded by Mr. Huntington, "that 33,200 dollars be taken from the quota of Connecticut."

On which the yeas and nays being required by Mr. Dyer,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
	Mr. Osgood,	no		
<i>Massachusetts,</i>	Mr. Jackson,	no	}	no
	Mr. Cornell,	no		
<i>Rhode-Island,</i>	Mr. Howell,	no	}	no
	Mr. Huntington,	ay		
<i>Connecticut,</i>	Mr. Dyer,	ay	}	ay
	Mr. Duane,	no		
<i>New-York,</i>	Mr. L'Hommedieu,	no	}	no
	Mr. Clark,	no		
<i>New-Jersey,</i>	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
<i>Delaware,</i>	Mr. Clymer,	no	}	no
	Mr. Atlee,	no		
<i>Maryland,</i>	Mr. M'Kean,	no	}	no
	Mr. Wharton,	no		
<i>Virginia,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>North-Carolina,</i>	Mr. Wright,	no	}	no
	Mr. Madison,	no		
<i>South-Carolina,</i>	Mr. Bland,	no	}	no
	Mr. Lee,	ay		
<i>Georgia,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	no	}	no
	Mr. Ramsay,	no		
<i>Georgia,</i>	Mr. Izard,	no	}	no
	Mr. Gervais,	no		
<i>Georgia,</i>	Mr. Middleton,	no	}	no
	Mr. Telfair,	no		
<i>Georgia,</i>	Mr. Jones,	no	}	no
	Mr. Few,	no		

So it passed in the negative.

A motion was then made by Mr. Carroll, seconded by Mr. Wright, "that 13,750 dollars be taken from the quota of Maryland and added to the quota of Connecticut."



And the yeas and nays being required by Mr. Carroll,

<i>New-Hampshire,</i>	Mr. Gilman,	no	>	*
<i>Massachusetts,</i>	Mr. Osgood,	no	}	no
	Mr. Jackson,	no	}	
<i>Rhode-Island,</i>	Mr. Cornell,	no	}	no
	Mr. Howell,	no	}	
<i>Connecticut,</i>	Mr. Huntington,	no	}	no
	Mr. Dyer,	no	}	
<i>New-York,</i>	Mr. Duane,	no	}	no
	Mr. L'Hommedieu,	no	}	
<i>New-Jersey,</i>	Mr. Clark,	no	}	
	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no	}	
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	
	Mr. Smith,	no	}	no
	Mr. Clymer,	no	}	
	Mr. Atlee,	ay	}	
<i>Delaware,</i>	Mr. M'Kean,	no	}	no
	Mr. Wharton,	no	}	
<i>Maryland,</i>	Mr. Hanson,	ay	}	
	Mr. Carroll,	ay	}	ay
	Mr. Wright,	ay	}	
<i>Virginia,</i>	Mr. Madison,	no	}	
	Mr. Bland,	no	}	no
	Mr. Lee,	no	}	
<i>North-Carolina,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no	}	
<i>South-Carolina,</i>	Mr. Rutledge,	no	}	
	Mr. Ramsay,	no	}	
	Mr. Izard,	no	}	no
	Mr. Gervais,	no	}	
	Mr. Middleton,	no	}	
<i>Georgia,</i>	Mr. Jones,	no	}	
	Mr. Few,	no	}	no

So it passed in the negative.

A motion was made by Mr. Duane, seconded by Mr. L'Hommedieu,  
 "that 9600 dollars be taken from the quota of New-York."

And the yeas and nays being required thereon by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Gilman,	no	>	*
<i>Massachusetts,</i>	Mr. Osgood,	no	}	no
	Mr. Jackson,	no	}	
<i>Rhode-Island,</i>	Mr. Howell,	no	}	*
<i>Connecticut,</i>	Mr. Huntington,	no	}	divided.
	Mr. Dyer,	ay	}	
<i>New-York,</i>	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay	}	
<i>New-Jersey,</i>	Mr. Clark,	no	}	
	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no	}	



<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. Atlee,	no	}	no
	Mr. M'Kean,	no		
	Mr. Wharton,	no		
<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	ay		
	Mr. Wright,	no		
<i>Virginia,</i>	Mr. Madison,	no	}	no
	Mr. Lee,	no		
	Mr. Williamson,	no		
<i>North-Carolina,</i>	Mr. Blount,	no	}	no
	Mr. Rutledge,	no		
	Mr. Ramsay,	no		
<i>South-Carolina,</i>	Mr. Izard,	no	}	no
	Mr. Gervais,	no		
	Mr. Middleton,	no		
<i>Georgia,</i>	Mr. Jones,	no	}	no
	Mr. Few,	no		
		no		

So it passed in the negative.

A motion was then made by Mr. Smith, seconded by Mr. Atlee, 'that 3000 dollars be taken from the quota of Pennsylvania and added to that of Virginia.'

And the yeas and nays being required by Mr. Smith,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
	Mr. Osgood,	ay		
<i>Massachusetts,</i>	Mr. Jackson,	ay	}	ay
	Mr. Cornell,	no		
<i>Rhode-Island,</i>	Mr. Howell,	no	}	no
	Mr. Huntington,	no		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no
	Mr. Duane,	no		
<i>New-York,</i>	Mr. L'Hommedieu,	no	}	no
	Mr. Clark,	no		
<i>New-Jersey,</i>	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
<i>Delaware,</i>	Mr. Clymer,	no	}	no
	Mr. Atlee,	ay		
<i>Maryland,</i>	Mr. M'Kean,	no	}	no
	Mr. Wharton,	no		
<i>Virginia,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>North-Carolina,</i>	Mr. Wright,	no	}	no
	Mr. Madison,	no		
<i>South-Carolina,</i>	Mr. Bland,	no	}	no
	Mr. Lee,	no		
<i>Georgia,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		



<i>South-Carolina,</i>	Mr. Rutledge,	no	}	no.
	Mr. Ramsay,	no		
	Mr. Izard,	no		
	Mr. Gervais,	no		
	Mr. Middleton,	no		
<i>Georgia,</i>	Mr. Jones,	no	}	no
	Mr. Few,	no		

So it passed in the negative.

A motion was made by Mr. Jones, seconded by Mr. Few, "that 7200 dollars be taken from the quota of Georgia, in consideration of the ravages of the war."

And the yeas and nays being required by Mr. Jones,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
	Mr. Osgood,	no		
<i>Massachusetts,</i>	Mr. Jackson,	no	}	no
	Mr. Cornell,	no		
<i>Rhode-Island,</i>	Mr. Howell,	no	}	no
	Mr. Huntington,	no		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no
	Mr. Duane,	no		
<i>New-York,</i>	Mr. L'Hommedieu,	no	}	no
	Mr. Clark,	no		
<i>New-Jersey,</i>	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
<i>Delaware,</i>	Mr. Clymer,	no	}	no
	Mr. Atlee,	no		
<i>Maryland,</i>	Mr. M'Kean,	no	}	no
	Mr. Wharton,	no		
<i>Virginia,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
<i>North-Carolina,</i>	Mr. Wright,	no	}	no
	Mr. Madison,	no		
<i>South-Carolina,</i>	Mr. Bland,	no	}	no
	Mr. Lee,	no		
<i>Georgia,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	no	}	no
	Mr. Ramsay,	no		
<i>Georgia,</i>	Mr. Izard,	no	}	no
	Mr. Gervais,	no		
<i>Georgia,</i>	Mr. Middleton,	no	}	no
	Mr. Jones,	ay		
<i>Georgia,</i>	Mr. Few,	ay	}	ay
	Mr. Few,	ay		

So it passed in the negative.

The question being taken on the respective quotas of the several states, was agreed to, and the report of the grand committee confirmed.

THURSDAY, September 12, 1782.

Whereas James Innes, Esq; who was on the 9th day of July last,



elected to the office of judge-advocate, has not signified his acceptance, and it being intimated to Congress that he declines to accept the office :

*Resolved*, That Wednesday next be assigned for electing a judge-advocate.

The committee, consisting of Mr. Duane, Mr. McKean and Mr. Witherspoon, to whom was referred a memorial of Robert Aitken, printer, dated January 21st, 1781, respecting an addition of the holy scriptures, report,

“ That Mr. Aitken has at a great expense now finished an American edition of the holy scriptures in English ; that the committee have, from time to time, attended to his progress in the work : that they also recommended it to the two chaplains of Congress to examine and give their opinion of the execution, who have accordingly reported thereon :

The recommendation and report being as follows :

“ Philadelphia, September 1st, 1782.

*Reverend Gentlemen,*

Our knowledge of your piety and public spirit leads us without apology to recommend to your particular attention the edition of the holy scriptures publishing by Mr. Aitken. He undertook this expensive work at a time, when from the circumstances of the war, an English edition of the bible could not be imported, nor any opinion formed how long the obstruction might continue. On this account particularly he deserves applause and encouragement. We therefore wish you, reverend gentlemen, to examine the execution of the work, and if approved, to give it the sanction of your judgment and the weight of your recommendation. We are with very great respect, your most obedient humble servants,

(Signed)

JAMES DUANE, *Chairman*,  
in behalf of a committee of Congress  
on Mr. Aitken's memorial.

Rev. Dr. White and Rev. Mr. Duffield, chaplains of  
the United States in Congress assembled.” Report,

“ *Gentlemen,*

Agreeably to your desire, we have paid attention to Mr. Robert Aitken's impression of the holy scriptures, of the old and new testament. Having selected and examined a variety of passages throughout the work, we are of opinion, that it is executed with great accuracy as to the sense, and with as few grammatical and typographical errors as could be expected in an undertaking of such magnitude. Being ourselves witnesses of the demand for this invaluable book, we rejoice in the present prospect of a supply, hoping that it will prove as advantageous as it is honorable to the gentleman, who has exerted himself to furnish it at the evident risk of private fortune. We are, gentlemen, your very respectful and humble servants,

(Signed)

WILLIAM WHITE,  
GEORGE DUFFIELD.

Honorable James Duane, Esq; chairman,  
and the other honorable gentlemen of  
the committee of Congress on Mr. Ait-  
ken's memorial.

Philadelphia, September 10, 1782.”



Whereupon, *Resolved*, That the United States in Congress assembled, highly approve the pious and laudable undertaking of Mr. Aitken, as subservient to the interest of religion as well as an instance of the progress of arts in this country, and being satisfied from the above report, of his care and accuracy in the execution of the work, they recommend this edition of the bible to the inhabitants of the United States, and hereby authorize him to publish this recommendation in the manner he shall think proper.

FRIDAY, September 13, 1782.

On the report of a committee, consisting of Mr. Cornell, Mr. Bland and Mr. N. W. Jones, to whom was referred a letter of the 11th, from the secretary at war :

*Resolved*, That the secretary at war take order for carrying into execution the expeditions mentioned in his said letter, so far as the commander in chief shall have approved of employing therein the recruits of the Pennsylvania line or other continental troops.

SATURDAY, September 14, 1782.

A motion was made by Mr. Lee, seconded by Mr. Bland,

“ That the several ministers of the United States, in Europe, be instructed to conform strictly to the resolutions of Congress of the 27th of November and 3d December, 1781, by which the care and management of all monies which have been or may be obtained in Europe, by loans or otherwise, have been committed to the superintendant of finance, to be disposed of by him according to appropriations of the United States in Congress assembled.”

On the question to agree to this, the yeas and nays being required by Mr. Lee,

New-Hampshire,	Mr. Gilman,	no	}	*
Massachusetts,	Mr. Osgood,	ay		
Rhode-Island,	Mr. Cornell,	no	}	divided.
	Mr. Howell,	ay		
Connecticut,	Mr. Huntington,	no	}	divided.
	Mr. Dyer,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay		
New-Jersey,	Mr. Clark,	ay	}	ay
	Mr. Boudinot,	no		
	Mr. Condict,	ay		
	Mr. Witherspoon,	ay		
Pennsylvania,	Mr. Montgomery,	no	}	no
	Mr. Smith,	no		
	Mr. Clymer,	no		
	Mr. Atlee,	no		
Delaware,	Mr. M'Kean,	no	}	*
	Mr. Hanson,	no		
Maryland,	Mr. Carroll,	no	}	no
	Mr. Madison,	ay		
Virginia,	Mr. Bland,	ay	}	ay
	Mr. Lee,	ay		



<i>North-Carolina,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	no	}	ay
	Mr. Ramsay,	ay		
	Mr. Izard,	ay		
	Mr. Gervais,	ay		
<i>Georgia,</i>	Mr. Middleton,	ay	}	ay
	Mr. Jones,	ay		
	Mr. Few,	ay		

So the question was lost.

On motion of Mr. Madison, seconded by Mr. Duane,

*Resolved*, That the several public ministers of the United States, in Europe, be informed that the care and management of all monies which have been or may be obtained in Europe, by loans or otherwise having been committed to the superintendant of finance, to be disposed of by him according to appropriations of the United States in Congress assembled, it is the instruction of Congress that they conform in the strictest manner to this arrangement.

The committee, consisting of Mr. Duane, Mr. Montgomery and Mr. Madison, to whom was referred a letter of the 9th, from the superintendant of finance, having reported that it be resolved,

That the sum of 5,000,000 of dollars be borrowed on the faith of these United States, for the service of the year 1783, on such terms as the same can be obtained; and the same being postponed.

A motion was made by Mr. Rutledge, seconded by Mr. Williamson

“ That a sum not exceeding 5,000,000 of dollars, including the money which Mr. Adams may obtain by the loan now negotiating in Holland, be borrowed in Europe, on the faith of the United States and applied towards defraying the expenses which shall be incurred and of those which during the present year have been incurred for carrying on the war.”

A motion was made by Mr. Duane, seconded by Mr. Madison, to strike out the word “ including,” and insert “ exclusive of.”

And on the question to agree to this amendment, the yeas and nays being required by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	no
	Mr. Osgood,	no		
<i>Massachusetts,</i>	Mr. Jackson,	no	}	no
	Mr. Cornell,	no		
<i>Rhode-Island,</i>	Mr. Howell,	no	}	no
	Mr. Huntington,	no		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no
	Mr. Duane,	ay		
<i>New-York,</i>	Mr. L'Hommedieu,	ay	}	ay
	Mr. Clark,	no		
<i>New-Jersey,</i>	Mr. Boudinot,	ay	}	no
	Mr. Condict,	no		
<i>Pennsylvania,</i>	Mr. Witherspoon,	no	}	ay
	Mr. Montgomery,	ay		
	Mr. Smith,	ay		
	Mr. Clymer,	ay		



Delaware,	Mr. M <sup>c</sup> Kean,	ay	} *
Maryland,	Mr. Hanson,	ay	
	Mr. Carroll,	ay	
Virginia,	Mr. Madison,	ay	} ay
	Mr. Bland,	no	
	Mr. Lee,	ay	
North-Carolina.	Mr. Williamson,	ay	} ay
	Mr. Blount,	ay	
South-Carolina,	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Gervais,	no	
	Mr. Middleton,	ay	
Georgia,	Mr. Jones,	ay	} divided.
	Mr. Few,	no	

So the amendment was lost.

A motion was then made by Mr. Rutledge, seconded by Mr. Duane, to strike out " five," and insert " four ;" and instead of " including," to read " exclusive of."

Question put, passed in the affirmative.

On the question to agree to the resolution, it was resolved in the affirmative as follows :

*Resolved,* That a sum not exceeding 4,000,000 of dollars, exclusive of the money which Mr. Adams may obtain by the loan now negotiating in Holland, be borrowed in Europe on the faith of the United States of America, and applied towards defraying the expenses which shall be incurred, and of those which during the present year have been incurred, for carrying on the war.

*Resolved,* That the superintendant of finance and secretary for foreign affairs take order for carrying the above resolution into effect, transmitting the same without delay to the ministers plenipotentiary of these United States at the court of Versailles and at the Hague.

*Resolved* That the minister plenipotentiary of these United States at the court of Versailles, be, and he is hereby instructed to communicate the foregoing resolution to his most Christian majesty, and to assure his majesty of the high sense which the United States in Congress assembled, entertain of his friendship and generous exertions ; their reliance on a continuance of them, and the necessity of applying to his majesty on the present occasion ; and the said minister is further instructed to co-operate with the superintendant of finance and secretary for foreign affairs in the most effectual means for giving success to the said loan.

On the report of a committee, consisting of Mr. Jackson, Mr. M<sup>c</sup>Kean, Mr. Rutledge, to whom were referred a letter of the 5th of July from the hon. John Adams, and a letter of the 11th of July, 1782, from Wilhelm and Jan Willink, and Nicholas and Jacob Van Staphorst, and de la Lande and Fynje, together with five several contracts or engagements entered into by the hon. J. Adams, in behalf of the United States of America :

*Resolved,* That the following ratification be endorsed on the contracts, and the five translations of them into the English language, and



signed by the president of Congress; and that the secretary for foreign affairs transmit the said five contracts, with their translations so endorsed and signed, by the several safe conveyances that shall first offer for Holland or France.

The endorsement to be as follows:

Be it remembered, that the five several contracts or engagements entered into by the hon. John Adams, Esq; minister plenipotentiary of the United States of America to their high mightinesses the lords, the states general of the United Netherlands, in behalf of the said United States, bearing date the 11th day of June, in the year 1782, and purporting to be securities each of them for the payment of a million of guilders, Dutch current money, by the United States to certain money lenders, under the negotiation of Messrs. Wilhelm and Jan Willink, Nicholas and Jacob Van Staphorst, and de la Lande and Fynje, merchants in Amsterdam, were read in Congress, approved and ratified, and the same are hereby ratified and declared obligatory on the said United States.

Done in the State-house, at Philadelphia, by the United States of America, in Congress assembled, the 14th day of September, in the year of our Lord 1782, and in the 7th year of our sovereignty and independence.

JOHN HANSON, *President.*

On a report of the secretary for foreign affairs, to whom was referred a letter of the 19th of April, 1782, from the honorable J. Adams:

*Ordered,* That the letter of the 19th of April, 1782, from the hon. John Adams to the secretary for foreign affairs, containing extracts from the registers of their high mightinesses the states general of the United Provinces, expressive of their resolution to receive and acknowledge the said Mr. Adams in quality of minister plenipotentiary of the United States of America, be published, together with the resolutions of the states of each respective province relative to the same object.

*Resolved,* That an account of this event be given by the secretary for foreign affairs to the executive of each respective state, requesting them severally to cause the same to be made public.

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MONDAY, September 16, 1782.

*Resolved,* That the following commission be executed and transmitted to his excellency general Washington:

*The United States in Congress assembled.*

To all people who shall see these presents, send greeting.

Whereas justice and humanity and the practice of civilized nations, require that the calamities and asperities of war should as far as possible be mitigated; and we being disposed for that benevolent purpose to accede to a general cartel between the United States of America and the British nation, for the exchange, subsistence and better treatment of all prisoners of war: Now therefore know ye, that reposing high confidence in the wisdom, prudence and integrity of our trusty and well beloved George Washington, Esq; our commander in chief of all our armies, raised and to be raised for the defence of the United States of America, we have authorized and empowered, and by these presents do authorize and empower, our said commander in chief, for



us and in our name, to negotiate, accede to and establish, in the proper forms and with the usual solemnities, such general cartel between the United States in Congress assembled, and the king of Great-Britain, for the exchange, subsistence and better treatment of all prisoners of war, as well land as naval prisoners; hereby giving and granting to our said commander in chief full power and authority, ultimately and on all points, to adjust and conclude the principles, terms and conditions of the said cartel, and in general to do and perform every matter and thing which shall in any wise be necessary for the final and perfect accomplishment thereof. And the better to enable our said commander in chief to execute the trust reposed in him by these presents, we do hereby further authorize and empower him, from time to time, by commission under his hand and seal, to nominate and constitute such and so many commissioners as he shall judge necessary, to meet, treat, confer and agree with commissioners to be appointed and competently authorized on the part of the king of Great-Britain, touching the terms, conditions and stipulations, for subsisting, better treating and exchanging all prisoners of war as aforesaid, as well as for liquidating and settling all accounts and claims whatsoever, respecting the maintenance and subsistence of prisoners of war on either side. And we do hereby declare that the engagements concluded upon by our said commander in chief in the premises, being mutually interchanged with the party contracting on behalf of the crown and nation of Great-Britain, shall be binding and conclusive on the United States of America.

In testimony whereof we have caused these our letters to be made patent, and the great seal of the United States of America to be thereunto affixed. Witness his excellency John Hanson, Esq; president of the United States in Congress assembled, the 16th day of September, in the year of our Lord 1782, and of our sovereignty and independence the seventh.

On the report of a committee, consisting of Mr. Cornell, Mr. Atlee and Mr. Carroll, to whom was referred a letter of the 27th of August from the secretary at war, relative to the contingent expenses incurred in the absence of the commander in chief, and the commanding-officer of the southern army.

*Resolved*, That the secretary at war be, and he is hereby authorized to issue his warrant on the pay-master-general, for such sums of money as he may find it necessary to advance for the expenses of such officers or expresses as may be sent to this city on public business, either by the commander in chief or the commanding-officer of the southern army. An account of such advance shall be transmitted to the general who shall have sent the officer or express, to be accounted for in the adjustment of their expenses.

On the report of a committee, consisting of Mr. Osgood, Mr. Cornell and Mr. Carroll, to whom was referred a letter of the 9th, from the secretary for foreign affairs, requesting leave of absence for a few weeks:

*Resolved*, That the secretary for foreign affairs have leave of absence agreeably to his request.



TUESDAY, September 17, 1782.

On the report of a committee, consisting of Mr. Rutledge, Mr. Duane and Mr. Madison, to whom were referred a motion of Mr. Rutledge, and a letter of 30th May from the hon. H. Laurens, wherein he informs, that on the 10th of that month he received from Dr. Franklin a formal notification of his appointment in the commission for treating with Great-Britain, and also a copy of the said commission; that he left London on the 11th, and arrived at Ostend on the 15th, from whence he informed Dr. Franklin that he declined the honor of that office.

*Resolved*, That the hon. Henry Laurens be informed, in answer to his letter of the 30th of May, 1782, that the reasons which induced the United States in Congress assembled, to appoint him to be one of their ministers plenipotentiary for negotiating a peace still existing, his services in the execution of that trust cannot be dispensed with.

On the question to agree to this, the yeas and nays being required by Mr. Izard,

New-Hampshire,	Mr. Gilman,	ay	}	*
Massachusetts,	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay
Rhode-Island,	Mr. Cornell,	ay		
	Mr. Howell,	ay	}	ay
Connecticut,	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
New-York,	Mr. Duane,	ay		
	Mr. L'Hommedieu,	ay	}	ay
New-Jersey,	Mr. Boudinot,	ay		
	Mr. Condict,	no	}	ay
	Mr. Witherspoon,	ay		
Pennsylvania,	Mr. Montgomery,	ay	}	ay
	Mr. Smith,	ay		
	Mr. Clymer,	ay	}	ay
	Mr. Atlee,	no		
Delaware,	Mr. M'Kean,	ay	}	*
Maryland,	Mr. Hanson,	ay		
	Mr. Carroll,	no	}	divided.
Virginia,	Mr. Madison,	ay		
	Mr. Bland,	ay	}	ay
	Mr. Lee,	ay		
North-Carolina,	Mr. Williamson,	ay	}	*
South-Carolina,	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Gervais,	ay	}	ay
	Mr. Middleton,	ay		
Georgia,	Mr. Jones,	ay	}	ay
	Mr. Few,	ay		

So it was resolved in the affirmative.

*Resolved*, That the hon. John Adams, Benjamin Franklin, John Jay and Henry Laurens, be respectively informed, that it is the plea-



sure and exprefs direction of Congress, that they punctually attend and assist in the negociations for peace ; and that each of them be instructed, upon receiving information of the time and place appointed for opening the negociations, immediately to give notice thereof to the rest that may be in Europe, in order that each may have a seasonable opportunity to take part in the trust reposed by the said commission, and earnestly enjoined by this act.

WEDNESDAY, September 18, 1782.

On motion of Mr. Carroll, seconded by Mr. Howell,

*Resolved*, That the sum of 1,200,000 dollars required to be raised by the resolution of the 4th, and which was quoad upon the several states by an act of the 10th of the present month of September, be, when received, credited to the accounts of the several states on interest, to be hereafter adjusted agreeably to the resolution of the 6th of October, 1779.

According to order, Congress proceeded to the election of a judge-advocate ; and, the ballots being taken,

Major Richard Howell was elected, having been previously nominated by Mr. Boudinot.

Mr. Madison, Mr. Izard, Mr. Witherspoon and Mr. Clymer, four of the committee appointed pursuant to the resolution of the 17th June last, to enquire fully into the proceedings of the department of foreign affairs, having executed the business of their appointment, reported the result of their enquiries, which was read.

The superintendant of finance, to whom was referred a resolve of the house of delegates of Virginia of the 2d of July last, having reported a resolution, and the same being postponed, a motion was made by Mr. Clark, seconded by Mr. Rutledge,

“ That the commissioners appointed to settle the accounts of the several states agreeably to the act of the 20th of February, 1782, be directed to examine, receive and destroy so much of the old continental money as may be in the treasury of any of the states, not exceeding the quota of such state as fixed by the act of Congress of the 18th of March, 1780, transmit to the superintendant of finance accounts of the monies so destroyed.”

A motion was made by Mr. Osgood, seconded by Mr. Jackson, to strike out the words, “ not exceeding the quota of such state as fixed by the act of Congress of 18th of March, 1780.”

And on the question, shall those words stand ? the yeas and nays being required by Mr. Osgood,

Massachusetts,	Mr. Osgood,	no	}	no
	Mr. Jackson,	no		
Rhode-Island,	Mr. Cornell,	no	}	no
	Mr. Howell,	no		
Connecticut,	Mr. Huntington,	ay	}	ay
	Mr. Dyer,	ay		
New-York,	Mr. L'Hommedieu,	ay	}	ay
New-Jersey,	Mr. Clark,	ay		
	Mr. Boudinot,	ay		
	Mr. Conduct,	ay		
	Mr. Witherspoon,	ay		



<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}	*
<i>Maryland,</i>	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
	Mr. Wright,	ay		
<i>Virginia,</i>	Mr. Jones,	ay	}	ay
	Mr. Madison,	ay		
	Mr. Bland,	ay	}	ay
<i>North-Carolina,</i>	Mr. Williamson,	ay		
	Mr. Blount,	ay	}	ay
<i>South-Carolina,</i>	Mr. Rutledge,	ay		
	Mr. Izard,	ay	}	ay
	Mr. Gervais,	ay		
	Mr. Middleton,	ay	}	ay
<i>Georgia,</i>	Mr. Jones,	ay		
	Mr. Few,	ay	}	ay

So it was resolved in the affirmative.

The question was then taken on the motion, and resolved in the affirmative.

FRIDAY, September 20, 1782.

A motion was made by Mr. Madison, seconded by Mr. J. Jones, "That the resolution of the 17th day of September, 1782, informing Mr. Laurens that his services as a minister plenipotentiary for negotiating peace cannot be dispensed with by Congress, and so much of the other resolution of the same date as relates to Mr. Laurens, be not transmitted till the further order of Congress.

On the question to agree to this, the yeas and nays being required by Mr. Wright,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
<i>Rhode-Island,</i>	Mr. Howell,	ay		
<i>Connecticut,</i>	Mr. Huntington,	no	}	no
	Mr. Dyer,	no		
<i>New-York,</i>	Mr. Duane,	no	}	no
	Mr. L'Hommedieu,	no		
<i>New-Jersey,</i>	Mr. Clark,	ay	}	ay
	Mr. Boudinot,	no		
	Mr. Condict,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
	Mr. Atlee,	ay	}	*
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	no		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
	Mr. Wright,	ay	}	ay



Virginia,	Mr. J. Jones,	ay	} divided.
	Mr. Madison,	ay	
	Mr. Bland,	no	
	Mr. Lee,	no	
North-Carolina,	Mr. Williamson,	no	} *
South-Carolina,	Mr. Rutledge,	no	
	Mr. Ramsay,	no	} no
	Mr. Izard,	no	
	Mr. Gervais,	no	
Georgia,	Mr. Middleton,	no	
	Mr. Jones,	no	} no
	Mr. Few,	no	

So the question was lost.

MONDAY, September 23, 1782.

On the report of a committee, consisting of Mr. Duane, Mr. Montgomery and Mr. Carroll, to whom was referred a letter of the 19th from the superintendant of finance :

Congress agreed to the following additional instructions to Thomas Barclay, Esq; consul-general of the United States of America in France :

Whereas by several acts of the United States in Congress assembled, all monies which have been and may be obtained in Europe, by subsidy, loan or otherwise, are placed under the direction and management of the superintendant of the finances of the United States, and it is essential that the strictest regard should be paid to the said arrangement : You are therefore hereby instructed to desist from making any draughts of public money, or any purchase of clothing or effects for the use of the United States, without the special direction of Congress or the superintendant of finance. In other respects you are to conform to the instructions of the 10th of July, 1781.

On motion of Mr. Rutledge, seconded by Mr. Lee,

*Resolved*, That the minister plenipotentiary of the United States at the court of Versailles, be informed that his letters to the superintendant of finance and secretary for foreign affairs, bearing date respectively the 25th day of June last, have been laid before Congress, and that notwithstanding the information contained in those letters, it is the direction of Congress that he use his utmost endeavours to effect the loan, which by the resolve of the 14th instant is ordered to be negotiated.

WEDNESDAY, September 25, 1782.

Congress took into consideration the report of a committee, consisting of Mr. Witherpoon, Mr. Madison, Mr. Rutledge, Mr. Osgood and Mr. Montgomery, to whom was referred a set of resolutions moved by Mr. Witherpoon :

The report is as follows :

“ 1st. That if the several states claiming the exclusive property of the western lands would make cessions to the United States, agreeable to the recommendation of Congress of the 6th day of September, 1780,



and the resolutions of Congress of the 10th of October, 1780, it would be an important fund for the discharge of the national debt.

2d. That therefore it be recommended to those states which have made no cessions, to take the above recommendation and resolutions into consideration as soon as possible, and determine thereon.

3d. That it be recommended to those states which have made cessions not entirely agreeable to the above recommendation and resolutions, to re-consider the same, and send the result to the United States in Congress assembled.

4th. That in case of compliance with recommendations of Congress, the determinations of the particular states respecting private property and claims of lands within the cessions, shall not be reversed or altered without their consent, unless in such cases as may be rendered necessary by the 9th article of the confederation."

A motion was made by Mr. Clark, seconded by Mr. Condict, to strike out the last paragraph.

And on the question, shall the last or fourth paragraph of the report stand? the yeas and nays being required by Mr. Bland,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	no		
	Mr. L'Hommedieu,	ay	}	divided.
<i>New-Jersey,</i>	Mr. Clark,	no		
	Mr. Condict,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Smith,	no	}	no
	Mr. Atlee,	no		
<i>Maryland,</i>	Mr. Hanson,	no	}	no
	Mr. Carroll,	no		
	Mr. Wright,	no	}	ay
<i>Virginia,</i>	Mr. Jones,	ay		
	Mr. Madison,	ay	}	ay
	Mr. Bland,	ay		
	Mr. Lee,	ay	}	ay
<i>North-Carolina,</i>	Mr. Williamson,	ay		
	Mr. Blount,	ay	}	ay
<i>South-Carolina,</i>	Mr. Rutledge,	no		
	Mr. Izard,	no	}	no
	Mr. Gervais,	no		
	Mr. Middleton,	no	}	no
<i>Georgia,</i>	Mr. Jones,	no		
	Mr. Few,	no	}	no

So it passed in the negative.

On the question to agree to the report as amended, the yeas and nays being required by Mr. Clark,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay



Connecticut,	Mr. Huntington,	ay	} ay
	Mr. Dyer,	ay	
New-York,	Mr. Duane,	ay	} ay
	Mr. L'Hommedieu,	ay	
New-Jersey,	Mr. Clark,	ay	} ay
	Mr. Condict,	ay	
Pennsylvania,	Mr. Montgomery,	ay	} ay
	Mr. Smith,	ay	
	Mr. Atlee,	ay	
Maryland,	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
Virginia,	Mr. Wright,	ay	} no
	Mr. Jones,	no	
	Mr. Madison,	no	
	Mr. Bland,	ay	
North-Carolina,	Mr. Lee,	no	} no
	Mr. Williamson,	no	
	Mr. Blount,	no	
South-Carolina,	Mr. Rutledge,	no	} no
	Mr. Izard,	ay	
	Mr. Gervais,	no	
	Mr. Middleton,	no	
Georgia,	Mr. Jones,	no	} no
	Mr. Few,	no	

So the question was lost.

*SATURDAY, September 28, 1782.*

Mr. William Hemsley, a delegate from Maryland, attended, produced credentials of his appointment, and took his seat in Congress.

*MONDAY, September 30, 1782.*

On a report from the secretary at war, to whom was referred a letter of the 24th from captain de la Plaigne :

*Resolved,* That the secretary at war supply captain de la Plaigne with the value of  $53\frac{1}{3}$  dollars in clothing ; and with the sum of 80 dollars in cash, for which the state of Georgia is to be accountable.

*TUESDAY, October 1, 1782.*

Mr. Richard Howell, having declined to accept the office of judge-advocate :

*Resolved,* That to-morrow be assigned for electing a judge-advocate.

A letter, of the 30th of September, from Thomas Edison, was read ; whereupon,

*Ordered,* That the superintendant of finance pay to the said Thomas Edison, in addition to what he has already received, the sum of 200 dollars in full for his services and all demands against the United States.

The committee, consisting of Mr. Atlee, Mr. Madison and Mr. Boudinot, to whom was referred a representation of the legislature of New-Jersey, report,

“ That it appears from the said representation, that complaints have



been made to the legislature of New-Jersey, by the officers of the line of that state, of partial payments made by other states to the troops of their particular lines, and that it is proposed by the said legislature unless measures be taken by Congress for securing equal justice to the troops of New-Jersey, to apply to their use a part of the taxes required by and allotted for the disposition of the United States in Congress assembled :

That by the articles of confederation, all charges of war, and all other expenses incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, are to be defrayed out of a common treasury, which shall be supplied by the several states, and the United States in Congress assembled, are to ascertain the sums so to be supplied, and to appropriate and apply the same in defraying such expenses :

That in pursuance of this delegated power, Congress did, in the month of November last, require of the several states their respective proportions of the sum of 8,000,000 of dollars, for the service of the current year, in which service was included the payment of the army, so that in case of compliance with the said requisition, the whole army will be regularly and duly paid :

That, if therefore individual states undertake, without the previous warrant of Congress, to dispense any part of monies required for and appropriated to the payment of the army, or any other purposes of the union, the federal constitution must be so far infringed :

That such infractions ought the more to be guarded against, as they tend to subvert the plans which Congress have adopted and are now carrying into effect for a uniform and æconomical administration of the public revenue, as they must prolong the existence of unsettled accounts between the United States and individual states, from which great inconveniences have been experienced, and as they cannot fail to produce untimely discord, among the several states, and intermediate confusions and murmurs in the army ;" whereupon,

*Resolved*, That the legislature of New-Jersey be informed, that Congress have adopted every means in their power for securing payment of the arrears due to the army, prior to the 1st day of January last, and for the regular payment of the army in future, which they hope the several states will exert themselves to enable Congress to accomplish, and that Congress have discountenanced all partial payments of the army by particular states.

*Resolved*, That no monies paid by any of the states to the officers and soldiers of the army of the United States, as pay for the year 1782, be considered as advanced in behalf of the United States, and that the same be not credited to the state by which the advance shall have been made.

*Resolved*, That the several states be required to make speedy payment of the respective quotas into the public treasury, that Congress may be thereby enabled to pay the officers and soldiers of the American army the amount of their pay for the present year.

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WEDNESDAY, October 2, 1782.

According to order, Congress proceeded to the election of a judge-advocate ; and, the ballots being taken,



Lieutenant Thomas Edwards was elected, having been previously nominated by Mr. Duane.

The ordinance for regulating the post-office of the United States of America, being read a second time, and debated by paragraphs :

*Ordered*, That Monday next be assigned for the third reading.

FRIDAY, October 4, 1782.

On the report of a committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Montgomery, Mr. Madison and Mr. Carroll, to whom were referred dispatches from the hon. J. Jay of the 25th of June, and from the marquis de la Fayette of the 25th and 29th of the same month, Congress agreed to the following act :

Whereas by the articles of confederation and perpetual union, the sole and exclusive right of making peace is vested in the United States in Congress assembled ; and by the treaty of alliance between his most Christian majesty and these United States, it is declared that neither of the contracting parties shall conclude peace or truce with Great-Britain without the consent of the other ; and the ministers plenipotentiary of these United States in Europe are vested with full power and authority in their behalf, in concert with their allies, to negotiate and conclude a general peace. Nevertheless it appears, that the British court still flatters itself with the vain hope of prevailing on the United States to agree to some terms of dependence upon Great-Britain, or at least to a separate peace ; and there is reason to believe that commissioners may be sent to America to offer propositions of that nature to the United States ; or that secret emissaries may be employed to delude and deceive. In order to extinguish ill founded hopes, to frustrate insidious attempts, and to manifest to the whole world the purity of the intentions and the fixed and unalterable determination of the United States :

*Resolved unanimously*, That Congress are sincerely desirous of an honorable and permanent peace ; that as the only means of obtaining it, they will inviolably adhere to the treaty of alliance with his most Christian majesty, and conclude neither a separate peace or truce with Great-Britain : that they will prosecute the war with vigour, until by the blessing of God on the united arms a peace shall be happily accomplished, by which the full and absolute sovereignty and independence of these United States having been duly assured, their rights and interests as well as those of their allies, shall be effectually provided for and secured.

That Congress will not enter into the discussion of any overtures for pacification but in confidence and in concert with his most Christian majesty :

That to guard against the secret artifices and machinations of the enemy, it be, and hereby is recommended to the respective states to be vigilant and active in detecting and seizing all British emissaries and spies that they may be brought to condign punishment : that it be enjoined on all officers of departments charged with persons coming from the enemy under the protection of flags of truce, to take special care that such persons do not abuse their privileges, but be restrained from all intercourse with the country and inhabitants, which is not



necessary for transacting the public business on which they may be sent: and lastly, it is recommended to the several states that no subjects of his Britannic majesty, coming directly from any part of the British dominions, be admitted into any of the United States during the war.

*Ordered*, That the hon. the minister plenipotentiary of France be furnished with a copy of the above act, and that copies be transmitted to the ministers of these states at foreign courts, and that in the mean time it be published.

*Ordered*, That Mr. Lee have leave of absence.

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WEDNESDAY, October 9, 1782.

On the report of the secretary at war, to whom was referred a memorial of captain Phelps, of the invalid regiment:

*Resolved*, That captain Seth Phelps have leave to retire from the invalid corps; and that in consideration of his long services, and the wound he has received, he be entitled to all the emoluments allowed to retiring officers under the resolutions of Congress of the 3d and 21st of October, 1780.

On the report of a committee, consisting of Mr. Montgomery, Mr. Bland and Mr. Rutledge, to whom was referred a report of the secretary at war, relative to the rank of lieutenant-colonels Huntington and Gray, of the Connecticut line:

*Ordered*, That the papers be referred to the commander in chief, and that he summon a board of general officers and colonels, not being of the line of Connecticut, to adjust the rank of the claimants according to principles of equity and the rules of promotion established in the army of the United States of America.

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THURSDAY, October 5, 1782.

Mr. Jonathan Arnold, a delegate for the state of Rhode-Island and Providence Plantations, attended, produced the credentials of his appointment, and took his seat.

The grand committee, consisting of a member from each state, to whom was referred a motion that a requisition be made to each state to provide ways and means for the payment of interest due on the liquidated debts, report,

“That they have considered the motion referred to them, and are of opinion, that it is not at present expedient for Congress to make such a requisition as is proposed by the said motion:

On the question to agree to this part of the report,

Resolved in the affirmative.

The committee having further reported a resolution, which being amended to read,

“That Congress call upon the states of Rhode-Island and Georgia for an immediate definitive answer, whether they will comply with the recommendation of Congress to vest them with power to levy a duty of five per cent. on all goods imported, and on prizes and prize goods.”

A motion was made by Mr. Howell, seconded by Mr. Bland, to amend the proposition by adding, “and that it be recommended to



those states who have passed acts, adopting the said recommendation on certain conditions, to revise and amend said acts."

And on the question to agree to the amendment, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
<i>Rhode-Island,</i>	Mr. Arnold,	ay		
	Mr. Howell,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	no		
	Mr. Dyer,	no	}	no
<i>New-York,</i>	Mr. Duane,	no		
	Mr. L'Hommedieu,	no	}	no
<i>New-Jersey,</i>	Mr. Condict,	no		
	Mr. Witherspoon,	no	}	no
<i>Pennsylvania,</i>	Mr. Montgomery,	no		
	Mr. Clymer,	no	}	
	Mr. Atlee,	no		
<i>Maryland,</i>	Mr. Hanson,	no	}	
	Mr. Carroll,	no		
	Mr. Wright,	no	}	no
	Mr. Hemsley,	no		
<i>Virginia,</i>	Mr. J. Jones,	no	}	
	Mr. Madison,	no		
	Mr. Bland,	ay	}	no
<i>North-Carolina,</i>	Mr. Williamson,	no		
	Mr. Blount,	no	}	no
<i>South-Carolina,</i>	Mr. Rutledge,	no		
	Mr. Ramsay,	no	}	
	Mr. Izard,	ay		
	Mr. Gervais,	ay	}	ay
	Mr. Middleton,	ay		
<i>Georgia,</i>	Mr. N. W. Jones,	ay	}	*

So the amendment was lost.

On the question to agree to the proposition of the grand committee, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Arnold,	no		
	Mr. Howell,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	ay		
	Mr. L'Hommedieu,	ay	}	ay
<i>New-Jersey,</i>	Mr. Condict,	ay		
	Mr. Witherspoon,	ay	}	ay
<i>Pennsylvania,</i>	Mr. Montgomery,	ay		
	Mr. Clymer,	ay	}	ay
	Mr. Atlee,	ay		



Maryland,	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
	Mr. Wright,	ay	
Virginia,	Mr. Hemsley,	ay	} ay
	Mr. Jones,	ay	
	Mr. Madison,	ay	
North-Carolina,	Mr. Bland,	ay	} ay
	Mr. Williamson,	ay	
	Mr. Blount,	ay	
South-Carolina,	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Gervais,	ay	
	Mr. Middleton,	no	
Georgia,	Mr. Jones,	no	} *

So it was resolved in the affirmative.

FRIDAY, October 11, 1782.

Pursuant to the resolutions of the 27th of February last, the superintendant of finance reports that he has appointed Mr. Edward Fox, a commissioner for settling the accounts of the hospital-department, desiring to be favoured with the orders of Congress if they shall disapprove the appointment.

On the report of a committee, consisting of Mr. Boudinot, Mr. Duane and Mr. Williamson, to whom were referred the letter of the 26th of September from the commander in chief, and the letter of the 21st of September from general Schuyler:

*Resolved*, That the commissioners of Indian affairs for the northern-department, be instructed to avail themselves of the change of temper which is represented to prevail in the tribes of Indians under their superintendance, and to devise and report to Congress the best means of securing the said tribes against the future intrigues of the enemy.

On the report of a committee, consisting of Mr. Montgomery, Mr. Osgood and Mr. Carroll, to whom was referred a letter of the 12th of August last, from the speaker of the assembly of Georgia:

*Ordered*, That a copy of the resolutions of the 9th of September last, relative to the southern-department, be transmitted to the governor of Georgia, and that he be informed Congress doubt not but protection and security will be given to the state of Georgia, by a proper execution of the said resolutions.

On the report of a committee, consisting of Mr. Wither Spoon, Mr. Montgomery and Mr. Williamson, appointed to prepare a recommendation to the states, setting apart a day of thanksgiving and prayer, Congress agreed to the following act:

It being the indispensable duty of all nations, not only to offer up their supplications to Almighty God, the giver of all good, for his gracious assistance in a time of distress, but also in a solemn and public manner to give him praise for his goodness in general, and especially for great and signal interpositions of his providence in their behalf; therefore, the United States in Congress assembled, taking into their consideration the many instances of divine goodness to these states, in



the course of the important conflict in which they have been so long engaged; the present happy and promising state of public affairs; and the events of the war in the course of the year now drawing to a close, particularly the harmony of the public councils, which is so necessary to the success of the public cause; the perfect union and good understanding which has hitherto subsisted between them and their allies, notwithstanding the artful and unwearied attempts of the common enemy to divide them; the success of the arms of the United States and those of their allies, and the acknowledgment of their independence by another European power, whose friendship and commerce must be of great and lasting advantage to these states: do hereby recommend it to the inhabitants of these states in general, to observe, and request the several states to interpose their authority in appointing and commanding the observation of Thursday, the 28th day of November next, as a day of solemn thanksgiving to God for all his mercies: and they do further recommend to all ranks, to testify their gratitude to God for his goodness, by a cheerful obedience to his laws, and by promoting, each in his station, and by his influence, the practice of true and undefiled religion, which is the great foundation of public prosperity and national happiness.

Done in Congress, &c. &c.

MONDAY, October 14, 1782.

Pursuant to the resolution of the 27th of February last, the superintendant of finance reported Mr. Joseph Bindon as the commissioner for settling the accounts of the clothing department, desiring the orders of Congress if they disapprove the appointment.

A motion was made by Mr. Middleton, seconded by Mr. Rutledge, "That brigadier-general Moultrie be promoted to the rank of a major-general, to take rank in the army as such from the 15th of September, 1780."

A motion was made by Mr. Duane, seconded by Mr. L'Homme-dieu, to amend the motion by inserting "James Clinton and," before "Moultrie."

An objection being made to this as being out of order,

On the question, is the motion for amending in order? the yeas and nays being required by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Gilman,	no	} *
<i>Massachusetts,</i>	Mr. Osgood,	ay	
	Mr. Jackson,	no	} divided.
<i>Rhode-Island,</i>	Mr. Arnold,	ay	
	Mr. Howell,	no	} divided.
<i>Connecticut,</i>	Mr. Huntington,	no	
	Mr. Dyer,	no	} no
<i>New-York,</i>	Mr. Duane,	ay	
	Mr. L'Hommedieu,	ay	} ay
<i>New-Jersey,</i>	Mr. Boudinot,	ay	
	Mr. Condict,	ay	} ay
	Mr. Witherspoon,	ay	



<i>Pennsylvania,</i>	Mr. Smith,	no	} divided.
	Mr. Clymer,	ay	
<i>Delaware,</i>	Mr. Wharton,	ay	} *
<i>Maryland,</i>	Mr. Hanson,	ay	
	Mr. Carroll,	ay	} ay
	Mr. Wright,	no	
	Mr. Hemsley,	ay	} ay
<i>Virginia,</i>	Mr. Jones,	ay	
	Mr. Madison,	ay	} ay
	Mr. Bland,	no	
<i>North-Carolina,</i>	Mr. Blount,	ay	} *
<i>South-Carolina,</i>	Mr. Rutledge,	no	
	Mr. Ramsay,	no	} ay
	Mr. Izard,	ay	
	Mr. Gervais,	ay	} ay
	Mr. Middleton,	ay	
<i>Georgia,</i>	Mr. N. W. Jones,	ay	} *

So the question was lost.

A motion was then made by Mr. Bland, seconded by Mr. Dyer,

"That the motion of Mr. Middleton be referred to the secretary at war."

And on the question to agree to this, the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. Gilman,	no	} *
<i>Massachusetts,</i>	Mr. Osgood,	no	
	Mr. Jackson,	no	} no
<i>Rhode-Island,</i>	Mr. Arnold,	no	
	Mr. Howell,	no	} no
<i>Connecticut,</i>	Mr. Huntington,	ay	
	Mr. Dyer,	ay	} ay
<i>New-York,</i>	Mr. Duane,	no	
	Mr. L'Hommedieu,	no	} no
<i>New-Jersey,</i>	Mr. Boudinot,	no	
	Mr. Condict,	no	} no
	Mr. Witherspoon,	ay	
<i>Pennsylvania,</i>	Mr. Smith,	ay	} divided.
	Mr. Clymer,	no	
<i>Delaware,</i>	Mr. Wharton,	ay	} *
<i>Maryland,</i>	Mr. Hanson,	no	
	Mr. Carroll,	no	} no
	Mr. Wright,	no	
	Mr. Hemsley,	no	} divided.
<i>Virginia,</i>	Mr. Jones,	no	
	Mr. Bland,	ay	} *
<i>North-Carolina,</i>	Mr. Blount,	no	
<i>South-Carolina,</i>	Mr. Rutledge,	no	} no
	Mr. Ramsay,	no	
	Mr. Izard,	no	} no
	Mr. Gervais,	no	
	Mr. Middleton,	no	} no
		no	

So the question was lost.



After farther debate, an adjournment was called for and agreed to.

*TUESDAY, October 15, 1782.*

On motion of Mr. Wither Spoon, seconded by Mr. Wright,

*Ordered,* That the committee to whom were referred the letter of the 19th of August last from the commander in chief, and the proceedings of the British court-martial on the trial of Lippencut, for the murder of captain Joshua Huddy, report on Thursday next, and that the report be on that day taken into consideration.

Mr. Middleton renewed his motion made yesterday,

“That brigadier-general Moultrie be promoted to the rank of major-general, to take rank in the army as such from the 15th of September, 1780.”

A motion was made by Mr. Bland, seconded by Mr. Wright, to strike out the words “to take rank in the army as such from the 15th of September, 1780.”

And on the question, shall these words stand? the yeas and nays being required by Mr. Wright,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	ay		
	Mr. Jackson,	ay	}	ay
<i>Rhode-Island,</i>	Mr. Arnold,	no		
	Mr. Howell,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	no		
	Mr. Dyer,	no	}	no
<i>New-York,</i>	Mr. Duane,	ay		
	Mr. L'Hommedieu,	ay	}	ay
<i>New-Jersey,</i>	Mr. Boudinot,	no		
	Mr. Condict,	no	}	no
	Mr. Wither Spoon,	no		
<i>Pennsylvania,</i>	Mr. Smith,	no	}	no
	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. Wharton,	no	}	*
<i>Maryland,</i>	Mr. Hanson,	no		
	Mr. Carroll,	no	}	no
	Mr. Wright,	no		
	Mr. Hemsley,	ay	}	no
<i>Virginia,</i>	Mr. Madison,	no		
	Mr. Bland,	no	}	no
<i>North-Carolina,</i>	Mr. Williamson,	no		
	Mr. Blount,	ay	}	divided.
<i>South-Carolina,</i>	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Gervais,	ay	}	ay
	Mr. Middleton,	ay		

So it passed in the negative, and the words were struck out.

A motion was then made by Mr. Duane, seconded by Mr. Rutledge, “that the motion be postponed, in order to make way for a previous motion, that brigadier-general James Clinton be promoted to the rank of major-general.”



And on the question to postpone, the yeas and nays being required by Mr. Duane,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
<i>Rhode-Island,</i>	Mr. Arnold,	no		
	Mr. Howell,	no	}	no
<i>Connecticut,</i>	Mr. Huntington,	no		
	Mr. Dyer,	no	}	no
<i>New-York,</i>	Mr. Duane,	ay		
	Mr. L'Hommedieu,	ay	}	ay
<i>New-Jersey,</i>	Mr. Boudinot,	ay		
	Mr. Condict,	no	}	no
	Mr. Witherspoon,	no		
<i>Pennsylvania,</i>	Mr. Smith,	no	}	divided.
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. Wharton,	no	}	*
<i>Maryland,</i>	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
	Mr. Wright,	ay		
	Mr. Hemsley,	ay	}	no
<i>Virginia,</i>	Mr. Madison,	no		
	Mr. Bland,	no	}	no
<i>North-Carolina,</i>	Mr. Williamson,	no		
	Mr. Blount,	ay	}	divided.
<i>South-Carolina,</i>	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Gervais,	ay	}	ay
	Mr. Middleton,	ay		

So the question was lost.

A motion was then made by Mr. Dyer, seconded by Mr. Howell, "that the consideration of the motion be postponed until Congress shall first determine whether considering the present state of the army, and the number of troops of which it consists, and the number of major-generals now in command, it is necessary at present to augment the number of major-generals."

And on the question for postponing, the yeas and nays being required by Mr. Condict,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	*
<i>Massachusetts,</i>	Mr. Osgood,	no		
	Mr. Jackson,	no	}	no
<i>Rhode-Island,</i>	Mr. Arnold,	ay		
	Mr. Howell,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	no		
	Mr. L'Hommedieu,	ay	}	divided.
<i>New-Jersey,</i>	Mr. Boudinot,	no		
	Mr. Condict,	ay	}	no
	Mr. Witherspoon,	no		



<i>Pennsylvania,</i>	Mr. Smith,	no	}	no
	Mr. Clymer,	no		
<i>Delaware,</i>	Mr. Wharton,	ay	}	*
	Mr. Hanson,	no		
<i>Maryland,</i>	Mr. Carroll,	no	}	no
	Mr. Wright,	no		
	Mr. Hemsley,	ay		
	Mr. Madison,	no		
<i>Virginia,</i>	Mr. Bland,	no	}	no
	Mr. Williamson,	no		
<i>North-Carolina,</i>	Mr. Blount,	no	}	no
	Mr. Rutledge,	no		
<i>South-Carolina,</i>	Mr. Ramsay,	no	}	no
	Mr. Izard,	no		
	Mr. Gervais,	no		
	Mr. Middleton,	no		

So it passed in the negative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. Middleton,

<i>New-Hampshire,</i>	Mr. Gilman,	no	}	*
	Mr. Osgood,	ay		
<i>Massachusetts,</i>	Mr. Jackson,	ay	}	ay
	Mr. Arnold,	no		
<i>Rhode-Island,</i>	Mr. Howell,	no	}	no
	Mr. Huntington,	no		
<i>Connecticut,</i>	Mr. Dyer,	no	}	no
	Mr. Duane,	no		
<i>New-York,</i>	Mr. L'Hommedieu,	no	}	no
	Mr. Boudinot,	ay		
<i>New-Jersey,</i>	Mr. Condict,	no	}	ay
	Mr. Witherspoon,	ay		
<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. Wharton,	no	}	*
	Mr. Hanson,	ay		
<i>Maryland,</i>	Mr. Carroll,	ay	}	ay
	Mr. Wright,	no		
	Mr. Hemsley,	ay		
	Mr. Madison,	ay		
<i>Virginia,</i>	Mr. Bland,	ay	}	ay
	Mr. Williamson,	ay		
<i>North-Carolina,</i>	Mr. Blount,	ay	}	ay
	Mr. Rutledge,	ay		
<i>South-Carolina,</i>	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Gervais,	ay		
	Mr. Middleton,	ay		

So it was resolved, that brigadier-general Moultrie be promoted to the rank of a major-general.



WEDNESDAY, October 16, 1782.

On the report of a committee, consisting of Mr. Bland, Mr. Carroll and Mr. Osgood, to whom was referred a letter of the 14th, from the secretary at war :

*Resolved*, That commissions issue immediately to all officers of the army of the United States, who were actually appointed by their respective states and can produce certificates of such appointments prior to the passing of the resolution of the 11th day of July last.

Congress resumed the consideration of the report of the grand committee, consisting of a member from each state, which was agreed to as follows, ten states being represented and assenting to the same :

That the estimate for the service of the year 1783, be as follows :

For the pay of the army,	2,609,320 dollars.
Hospital-department,	103,177
Quarter-master-general, do.	718,500
Clothier-general, do.	200,000
For military-stores,	49,891
Rations,	1,281,174
Civil and military-staff,	304,447
Marine,	300,000
Civil list,	181,214
Contingencies,	252,277

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6,000,000 dollars.

Amounting in the whole to 6,000,000 of dollars.

*Resolved*, That a requisition be made from the several states of 2,000,000 of dollars, in such quotas as Congress may assign to them respectively, as a part of the sum necessary for the service of the next year ; and that any further requisition be suspended until the result of the measures taken by Congress for obtaining loans shall be known.

On the report of a committee, consisting of Mr. Boudinot, Mr. Rutledge and Mr. Montgomery, to whom was referred a letter of the 10th, from the secretary at war, together with a letter from the commander in chief and the report of the commissioners appointed by him to negotiate a general cartel :

*Resolved*, That Congress do approve of the conduct of the commissioners appointed by the commander in chief to settle a general cartel, with the British commissioners appointed by sir Guy Carleton and rear admiral Digby, met at Tappan, on the 25th of September last.

*Resolved*, That the secretary at war do immediately take order for reducing in the most effectual manner, the present very heavy expense attending the subsistence of British prisoners of war in possession of these United States, so as the same be compatible with the health of such prisoners.

*Resolved*, That Congress will not go into any partial exchanges of prisoners of war in future, but will take the most effectual measures in their power, for the safe keeping of all prisoners of war, until a general cartel on liberal and national principles be agreed to and established.

*Resolved*, That the commander in chief be instructed to accede to the propositions of general sir Guy Carleton, for the mutual liberation of all clergymen, physicians, surgeons and apothecaries, and to prevent



their being hereafter considered as prisoners of war, in the first general cartel that shall be settled under his direction.

THURSDAY, October 17, 1782.

According to order, the committee, consisting of Mr. Rutledge, Mr. Witherpoon, Mr. Duane and Mr. Wright, to whom were referred the letter of the 19th of August, from the commander in chief, and the proceedings of the British court-martial on the trial of Lippencut, for the murder of captain Huddy, delivered in their report, which was read, and Thursday next assigned for the further consideration of it.

FRIDAY, October 18, 1782.

On the report of a committee of the week, consisting of Mr. Ramsay, Mr. Izard and Mr. Gilman, on a memorial of captain Schreiber :

*Resolved*, That captain Schreiber be informed in answer to his memorial, that Congress have taken every measure for procuring an exchange of prisoners, which is consistent with the honor of the United States ; and that such part of his memorial as relates to his pay and subsistence, be referred to the secretary at war.

On the report of a committee, consisting of Mr. Boudinot, Mr. Ramsay and Mr. Carroll, to whom was referred a letter of the 16th, from the secretary at war :

*Resolved*, That the post at Wyoming be retained or withdrawn by the commander in chief, as he shall think it most for the benefit of the United States, any former resolution of Congress notwithstanding.

On the question to agree to this, the yeas and nays being required by Mr. Smith,

New-Hampshire,	Mr. Gilman,	ay	}	*
Massachusetts,	Mr. Osgood,	ay		
	Mr. Jackson,	ay		
Rhode-Island,	Mr. Arnold,	ay	}	ay
	Mr. Howell,	ay		
Connecticut,	Mr. Huntington,	ay	}	ay
	Mr. Dyer,	ay		
New-York,	Mr. Duane,	ay	}	ay
	Mr. L'Hommedieu,	ay		
New-Jersey,	Mr. Boudinot,	ay	}	ay
	Mr. Condict,	ay		
Pennsylvania,	Mr. Smith,	no	}	divided.
	Mr. Clymer,	ay		
Maryland,	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
	Mr. Hemsley,	ay		
Virginia,	Mr. Madison,	ay	}	*
North-Carolina,	Mr. Williamson,	ay		
	Mr. Blount,	ay	}	ay
South-Carolina,	Mr. Rutledge,	ay		
	Mr. Ramsay,	ay	}	ay
	Mr. Izard,	ay		
	Mr. Gervais,	ay		
Georgia,	Mr. Jones,	ay	}	*

So it was resolved in the affirmative.



On the report of a grand committee, consisting of a member from each state :

*Resolved*, That the following quotas of the 2,000,000 of dollars required from the states by the resolution of the 16th, for the service of the year 1783, be assigned to the respective states, viz.

To New-Hampshire,	-	-	80,0000
Massachusetts,	-	-	320,000
Rhode-Island and Providence Plantations,			48,000
Connecticut,	-	-	222,000
New-York,	-	-	90,000
New-Jersey,	-	-	110,000
Pennsylvania,	-	-	300,000
Delaware,	-	-	28,000
Maryland,	-	-	220,000
Virginia,	-	-	290,000
North-Carolina,	-	-	148,000
South-Carolina,	-	-	120,000
Georgia,	-	-	24,000
			<hr/>
			2,000,000

*Resolved*, That the several states be called upon to furnish the treasury of the United States with their respective quotas in four equal proportions or quarterly payments, the first payment to be made on the first day of April next :

That the said sums, when paid, shall be credited to the accounts of the several states on interest, to be hereafter adjusted agreeably to the resolution of the 6th of October, 1779.

A motion was then made by Mr. Howell, seconded by Mr. Arnold, " That it be recommended to the several states to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, to be subject only to the orders of Congress or the superintendant of finance, and to take the most effectual measures to ensure the seasonable collection of the same."

A motion was made by Mr. Boudinot, seconded by Mr. Carroll, to postpone the consideration of that motion, in order to introduce the following :

" That it be impressed on the several states as absolutely necessary to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to such persons as have or shall be appointed by the superintendant of finance to receive the same within the state, and to authorize such receiver to recover the monies of the collectors for the use of the United States in the same manner, and under the same penalties as state taxes are recovered by the treasurers of the respective states, or in such other manner as will most effectually secure the punctual collection and payment of the same, to be subject only to the orders of Congress or the superintendant of finance."

And on the question for postponing, the yeas and nays being required by Mr. Howell,



<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	ay	*
<i>Massachusetts,</i>	Mr. Osgood,	ay			
	Mr. Jackson,	ay			
<i>Rhode-Island,</i>	Mr. Arnold,	no	}	no	
	Mr. Howell,	no			
<i>Connecticut,</i>	Mr. Huntington,	ay	}	ay	
	Mr. Dyer,	ay			
<i>New-York,</i>	Mr. Duane,	ay	}	ay	
	Mr. L'Hommedieu,	ay			
<i>New-Jersey,</i>	Mr. Boudinot,	ay	}	divided.	
	Mr. Condict,	no			
<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay	
	Mr. Clymer,	ay			
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay	
	Mr. Carroll,	ay			
	Mr. Hemsley,	ay			
<i>Virginia,</i>	Mr. Jones,	ay	}	ay	
	Mr. Madison,	ay			
<i>North-Carolina,</i>	Mr. Williamson,	ay	}	ay	
	Mr. Blount,	ay			
<i>South-Carolina,</i>	Mr. Rutledge,	ay	}	y	
	Mr. Ramsay,	ay			
	Mr. Izard,	ay			
<i>Georgia,</i>	Mr. Gervais,	ay	}	ay	*
	Mr. N. W. Jones,	ay			

So it was resolved in the affirmative.

A motion was then made by Mr. Clymer, seconded by Mr. Ramsay, to strike out the words, "or in such other manner as will most effectually secure the punctual collection and payment of the same."

And the question, shall these words stand? passed in the negative.

A motion was then made by Mr. Arnold, seconded by Mr. Howell, to amend the motion farther by striking out the words, "and to pass acts directing the collectors, &c. to respective states," inclusive.

And on the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	}	ay	*
<i>Massachusetts,</i>	Mr. Osgood,	ay			
	Mr. Jackson,	ay			
<i>Rhode-Island,</i>	Mr. Arnold,	no	}	no	
	Mr. Howell,	no			
<i>Connecticut,</i>	Mr. Huntington,	no	}	no	
	Mr. Dyer,	no			
<i>New-York,</i>	Mr. Duane,	ay	}	ay	
	Mr. L'Hommedieu,	ay			
<i>New-Jersey,</i>	Mr. Boudinot,	ay	}	divided.	
	Mr. Condict,	no			
<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay	
	Mr. Clymer,	ay			



<i>Maryland,</i>	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
	Mr. Hemsley,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
<i>North-Carolina,</i>	Mr. Williamson,	ay	} ay
<i>South-Carolina,</i>	Mr. Blount,	ay	
	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Gervais,	ay	

So it was resolved in the affirmative.

And on the question to agree to the motion as amended, the yeas and nays being required by Mr. Howell,

<i>New-Hampshire,</i>	Mr. Gilman,	ay	} *
<i>Massachusetts,</i>	Mr. Osgood,	ay	
	Mr. Jackson,	ay	
<i>Rhode-Island,</i>	Mr. Arnold,	no	} no
	Mr. Howell,	no	
<i>Connecticut,</i>	Mr. Huntington,	no	} no
	Mr. Dyer,	no	
<i>New-York,</i>	Mr. Duane,	ay	} ay
	Mr. L'Hommedieu,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} ay
	Mr. Condict,	ay	
<i>Pennsylvania,</i>	Mr. Smith,	ay	} ay
	Mr. Clymer,	ay	
<i>Maryland,</i>	Mr. Hanson,	ay	} ay
	Mr. Carroll,	ay	
	Mr. Hemsley,	ay	
<i>Virginia,</i>	Mr. Jones,	ay	} ay
	Mr. Madison,	ay	
<i>North-Carolina,</i>	Mr. Williamson,	ay	} ay
	Mr. Blount,	ay	
<i>South-Carolina,</i>	Mr. Rutledge,	ay	} ay
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Gervais,	ay	

So it was resolved, That it be impressed on the several states as absolutely necessary to lay taxes for raising their quotas of money for the United States, separate from those laid for their own particular use, and to pass acts directing the collectors to pay the same to such persons as have or shall be appointed by the superintendant of finance to receive the same within the state, and to authorize such receiver to recover the monies of the collectors for the use of the United States, in the same manner, and under the same penalties as state taxes are recovered by the treasurers of the respective states; to be subject only to the orders of Congress or the superintendant of finance.

The ordinance for regulating the post-office was read a third time, and passed as follows:



*An Ordinance for regulating the Post-Office of the United States of America.*

Whereas the communication of intelligence with regularity and dispatch, from one part to another of these United States, is essentially requisite to the safety as well as the commercial interest thereof; and the United States in Congress assembled, being, by the articles of confederation, vested with the sole and exclusive right and power of establishing and regulating post-offices throughout all these United States: and whereas it is become necessary to revise the several regulations heretofore made relating to the post-office, and reduce them to one act:

Be it therefore ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, that a continued communication of posts throughout these United States, shall be established and maintained by and under the direction of the post-master-general of these United States, to extend to and from the state of New-Hampshire and the state of Georgia inclusive, and to and from such other parts of these United States, as from time to time, he shall judge necessary, or Congress shall direct.

And be it further ordained by the authority aforesaid, that the post-master-general for the time being, shall, from time to time, superintend and direct the post-office in all its various departments and services throughout the extent aforesaid, agreeably to the rules and regulations contained in this ordinance; and shall have full power and authority to appoint a clerk or assistant to himself, and such and so many deputy post-masters as he shall think proper, for whose fidelity he shall be accountable; each of whom shall reside at such place as the post-master-general shall judge best suited to maintain a due and regular transportation and exchange of mails. And the said post-master-general shall be, and hereby is authorized to allow, from time to time, to his said deputies respectively, such commissions on the monies to arise from postage in their respective departments, as he shall think their respective services may merit, so as that the said commissions shall not in the whole exceed twenty per cent. And shall, by himself or his said deputies respectively thereunto regularly authorized by him, from time to time, appoint the necessary post-riders, messengers and expresses, with such salaries and allowances as he or his said deputies respectively shall think meet.

And be it further ordained by the authority aforesaid, that the post-master-general, his clerk or assistant, his deputies, and post and express-riders, and messengers, or either of them, shall not knowingly or willingly open, detain, delay, secrete, embezzle or destroy, or cause, procure, permit or suffer to be opened, detained, delayed, secreted, embezzled or destroyed any letter or letters, packet or packets, or other dispatch or dispatches, which shall come into his power, hands or custody by reason of his employment in or relating to the post-office, except by the consent of the person or persons by or to whom the same shall be delivered or directed, or by an express warrant under the hand of the president of the Congress of these United States, or in time of war, of the commander in chief of the armies of these United States, or of the commanding-officer of a separate army in these United States,



or of the chief executive officer of one of the said states, for that purpose, or except in such other cases wherein he shall be authorized so to do by this ordinance: (provided always, that no letter, franked by any person authorized by this ordinance to frank the same, shall be opened by order of any military officer, or chief executive officer of either of the states.) And that the post-master-general, his assistant, deputies, post and express-riders, and messengers, and each and every of them, shall, without delay, take and subscribe the following oath, to wit, 'I, A. B. do solemnly and sincerely swear, declare or affirm (as the case may require) that I will well and faithfully do, execute, perform and fulfil every duty required of me, and abstain from every act or thing forbidden by a certain ordinance passed by the United States of America in Congress assembled, on the 18th day of October, 1782, entitled, "an ordinance for regulating the post-office of the United States of America."

And be it further ordained by the authority aforesaid, that if the post-master-general shall be guilty of a breach of the said oath or affirmation or any part thereof, and be thereof convicted, he shall forfeit and pay 1000 dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the treasurer of the United States for the time being: and if any post-master, post-rider, or other person employed in the post-office department, shall be guilty of a breach of the said oath or affirmation or any part thereof, and be thereof convicted, each one so offending shall forfeit and pay 300 dollars, to be sued for and recovered in an action of debt, in the state where the offence shall be committed, by the post-master-general for the time being: all which forfeitures when recovered and received, shall be accounted for by the persons recovering the same, and applied towards defraying the necessary expenses of the post-office: and every person employed in the post-office department, who shall be guilty of a breach of the said oath or affirmation shall, besides paying the above-mentioned forfeitures, be rendered incapable ever hereafter of holding any office or place of trust or profit under these United States: provided always, that the foregoing oath shall not be required of any special express or messenger, to be appointed at the request of any particular person or persons, in the manner herein after directed, unless the same shall be thought necessary by the post-master-general or his deputy who shall have appointed him; which oath shall, without delay, be made by the post-master-general before the president of the Congress of these United States; and by each of the said clerk or assistant, deputies and post-riders (except as is above provided with respect to special expresses and messengers) before the post-master-general, or before any civil magistrate nominated by him for that purpose; all which persons are hereby respectively authorized to administer the said oath; and shall respectively make and sign certificates thereof: the certificate to be signed by the president, to be lodged in the office of the secretary of the Congress of these United States, and the other certificates respectively to be returned into the office of the post-master-general; there to be kept as evidence of the several qualifications therein respectively certified.

And be it further ordained by the authority aforesaid, that the post-master-general of these United States for the time being, and his de-



puty and deputies, thereunto by him sufficiently authorized, and his and their agents, post-riders, expresses and messengers respectively, and no other person whatsoever, shall have the receiving, taking up, ordering, dispatching, sending post or with speed, carrying and delivering of any letters, packets or other dispatches from any place within these United States for hire, reward, or other profit or advantage for receiving, carrying or delivering such letters or packets respectively; and any other person or persons presuming so to do, shall forfeit and pay for every such offence, 20 dollars, to be sued for and recovered in an action of debt with costs of suit, by the post-master-general or his deputy, in the state in which the offence shall be committed; and such sums as shall be thus recovered and received, shall be accounted for by the post-master-general, and applied towards defraying the necessary expenses of the post-office. Provided nevertheless, that nothing herein contained shall be construed to extend to any messenger purposely sent on any private affair, and carrying letters or packets relating to such affair only; or to persons sent officially on public service. And provided also, that nothing herein contained shall in any manner affect any private cross post-rider that may be employed by any of the citizens of these United States with the consent of the post-master-general or his deputy, until a public rider can be established on such cross road.

And be it further ordained by the authority aforesaid, that if any person, not being a post or express-rider in the service of the general post-office, shall carry any letters, packets or other dispatches from one place to another within these United States, on any of the post-roads, to any place within these United States, for hire or reward, except in cases as is herein before excepted, or shall not, when bringing letters from beyond sea for hire or reward, deliver the same at the post-office, if any there be, at the place of his or her arrival, he or she shall, in each of the before-mentioned cases, forfeit and pay, for every such offence, 20 dollars; to be recovered by the post-master-general or any of his deputies, in an action of debt, in the state wherein the offence shall have been committed, with costs of suit; and applied towards the expenses of the post-office, and be accounted for accordingly: and if such offence shall have been committed by any person holding a civil or military commission under these United States, he shall on conviction thereof, forfeit his commission. And for every letter, packet or other dispatch from beyond sea, which any person shall so deliver at the post-office, he shall receive of the post-master, at the post-office, for the delivery of the same,  $\frac{1}{90}$ th of a dollar.

And be it further ordained by the authority aforesaid, that the post-master-general shall cause the mail to be carried with all care and dispatch, at least once in every week, to and from each of the stated post-offices, and his deputies shall keep and transmit to him, regular, particular, just and quarterly accounts of the incomes and expenditures of their respective offices; and from those and such other materials as shall be necessary for the purpose, the post-master-general shall form and keep regular and just accounts of the incomes and expenditures of the general post-office, which he shall annually deliver to the comptroller of accounts of these United States, attended with the quarterly accounts of each office, and vouchers for his examination and passing.

And be it further ordained by the authority aforesaid, that the post-



master-general's deputies respectively, shall regularly publish at the expiration of each quarter (if it can conveniently be done) in one of the most convenient public newspapers, for three successive weeks, a list of all letters at that time remaining in their offices; and at the expiration of the subsequent quarter, shall send such of the letters so published as then remain, as dead letters to the general post-office; where they shall be opened and inspected by the post-master-general, who shall carefully preserve them, with the papers therein respectively contained, and shall insert in a book to be kept for that purpose, the date of such letter, and the name and place of direction on the same, together with a particular account of the enclosures contained therein; and at the expiration of each quarter, the post-master-general shall cause to be published, in one of the newspapers of the state in which the owners of such valuable papers are supposed to reside (if a newspaper is printed in such state) else in the most convenient paper, an advertisement, informing that such papers are in his possession, and shall deliver such letter and enclosures to the person or persons to whom the same shall be directed, or his, her, or their order at the post-office, he, she or they first paying the postage for the same, at the rates, from time to time, established by these United States in Congress assembled, and the necessary expense of such publications as aforesaid; and in case of neglect to take up such letters, the expense shall be charged to the United States.

And be it further ordained by the authority aforesaid, that the post-master-general and his deputies respectively, shall, and they are hereby authorized, whenever the danger of robberies of the mail, shall in their respective judgments, render the same necessary, to hire occasional expresses for carrying the public dispatches, and such private letters as, from time to time, shall be in the post-offices; who shall not be confined to fixed days, nor to travel the usual post-roads, but shall, in those respects be subject to the order and direction of the post-master-general and his deputies respectively. And to the end that the expense of several expresses destined to the same place, at the same time, may be avoided: be it further ordained by the authority aforesaid, that all extraordinary expresses in the public service, shall, if a post-office be established at the place from which they shall severally take their departure, be hired by the post-master-general or his deputy, and set out from and return to such post-office, with the letters, packets and dispatches to be carried by them respectively.

And be it further ordained by the authority aforesaid, that the postage of all letters, packets and dispatches, to and from the different post-offices within these United States, shall be at the following rates, in penny-weights and grains of silver, estimating each penny-weight, as at present, at  $\frac{5}{96}$ ths of a dollar, to wit:

For any distance not exceeding 60 miles, one penny-weight eight grains; upwards of 60 and not exceeding 100, two penny-weight; upwards of 100 and not exceeding 200, two penny-weight 16 grains, and so on, 16 grains advance for every 100 miles; and for all single letters to or from Europe, by packet or dispatch vessels, four penny-weight; the above rates to be doubled for double letters, trebled for treble letters, and a packet weighing an ounce, to be charged equal to four single letters, and in that proportion if of a greater weight:



and to the foregoing rates shall be added, a sum not exceeding  $\frac{4}{90}$ ths of a dollar, upon every letter, packet or dispatch which shall come into the post-office from beyond sea, by any other conveyance than packets or dispatch vessels; and every letter, packet and dispatch, except dead letters, may, and shall be retained in the office where the same shall have arrived, which shall be nearest to the place of direction, until the postage thereon shall be paid.

And be it ordained by the authority aforesaid, that it shall and may be lawful for the post-master-general, or any of his deputies, to license every post-rider to carry any newspapers to and from any place or places within these United States, at such moderate rates as the post-master-general shall establish, he rendering the post-riders accountable to the post-master-general, or the respective deputy-post-masters by whom they shall severally be employed, for such proportion of the monies arising therefrom, as the post-master-general shall think proper, to be by him credited to these United States in his general account.

And be it further ordained by the authority aforesaid, that in case the income of the post-office shall, in any year, exceed the expenses thereof, the post-master-general shall pay to the treasurer of the United States the surplus, until the sums of money heretofore advanced, or which shall be hereafter advanced by the United States, for the support of the general post-office, with interest thereon at six per cent. per annum, shall be repaid, after which such surplus shall be appropriated and applied to the establishment of new post-offices and the support of packets, to render the post-office department as extensively useful as may be: and if the necessary expenses of that establishment shall exceed the profits arising from the post-office, such excess, when properly ascertained, shall be paid, on warrants of the superintendant of finance, by the treasurer of the United States, to the post-master-general in quarterly payments, to enable him effectually to support the post-office.

And be it further ordained by the authority aforesaid, that the salary of the post-master-general shall be 1500 dollars per annum; and that of his clerk or assistant 1000 dollars per annum.

And be it further ordained by the authority aforesaid, that letters, packets and dispatches to and from the members and secretary of Congress, while actually attending Congress, to and from the commander in chief of the armies of these United States, or commander of a separate army, to and from the heads of the departments of finance, of war and of foreign affairs, of these United States, on public service, shall pass and be carried free of postage.

And be it further ordained, that single letters directed to any officers of the line, in actual service, shall be free of postage.

And be it further ordained by the authority aforesaid, that all former and other acts, ordinances and resolutions of these United States in Congress assembled, heretofore made relating to the post-office, be, and the same, and each and every of them, is and are hereby repealed and made void.

Done, &c. &c.

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*TUESDAY, October 22, 1782.*

On the report of a committee, consisting of Mr. Ramsay, Mr. Osgood and Mr. Gilman, to whom was referred a letter of the 9th, from



the superintendant of finance, touching a proposal of his excellency the governor of Virginia, that fundry articles of clothing now in France belonging to that state, should be taken for the use of the United States :

*Resolved*, That the superintendant of finance take order on the subject of his letter of the 9th of October, 1782.

On a report from the secretary at war, to whom was referred a memorial of major D. S. Franks :

*Resolved*, That major David S. Franks hold the rank and receive the pay of a major in the line of the army of the United States, until the new arrangement shall take place the first day of January next ; and that he then be considered as retiring from service under the same emoluments as those who retired under the resolution of the 31st day of December last.

The committee, consisting of Mr. Duane and Mr. Williamson, to whom was referred a letter of the 18th of September, from Oliver Pollock, report,

“ That having examined fundry letters and papers which they submit to the consideration of Congress, they are of opinion that Mr. Pollock's accounts with the United States and those with the state of Virginia, are in some cases complicated in such manner, that the settlement of the former must necessarily be deferred till that of the latter is perfected ; wherefore as well as from the want of some necessary information from governor Galvez, Mr. Pollock's accounts with the United States must for the present be left open : that Mr. Pollock appears to have exerted himself with much zeal and industry as commercial agent of the United States at New-Orleans : that he also appears to have advanced large sums out of his private fortune, and to have contracted large debts with the subjects of his Catholic majesty, partly for the service of the United States, and partly for the service of the state of Virginia ; that public faith, justice and humanity require that the fundry accounts should be liquidated and the balances paid, or at least security given for payment of the same whenever the state of our public funds shall render it practicable : that therefore it be recommended to the state of Virginia, to cause the accounts of Mr. Pollock with that state, to be adjusted with as much dispatch as may be practicable, in order that Mr. Pollock's accounts with the United States may also be adjusted.”

Whereupon, *Resolved*, That Congress agree to the said report.

A memorial of lieutenant-colonel Silas Talbot being read, setting forth, that he is embarrassed in the settlement of his accounts by his promotion as a captain of the navy of the United States, for which service he however never received any commission ; whereupon,

*Resolved*, That it be an instruction to the superintendant of finance, to cause the account of the said Silas Talbot to be adjusted and settled as a lieutenant-colonel in the army of the United States, notwithstanding the resolution of Congress of the 17th of September, 1779, appointing him a captain in the navy.

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WEDNESDAY, October 23, 1782.

On the report of a committee, consisting of Mr. Osgood, Mr. Izard,



Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States :

*Resolved*, That the establishment of the quarter-master's department, by the resolutions of Congress of the 15th July, 1780, be, from and after the first day of January next, repealed, and the following regulations then adopted in its stead :

*Resolved*, That there be one quarter-master-general, the present quarter-master-general to be continued in office ; and hereafter, as vacancies arise, to be appointed by Congress :

That the quarter-master-general, with the approbation of the commander in chief, appoint the following officers for the armies of the United States, viz.

For the main army.

One deputy quarter-master ; one waggon-master ; one commissary of forage ; one director, and one sub-director, of a company of artificers :

For the southern army.

One deputy-quarter-master ; one deputy commissary of forage ; one deputy waggon-master ; one director, and one sub-director, of a company of artificers : and as many assistants as the service may require in the main and southern army, to perform the duties of quarter-masters of brigades, store-keepers, clerks, and such other duties in the quarter-master's department as the service may require, and also as many waggon conductors :

That the pay per month of the officers in the quarter-master-general's department, including their pay in the line of the army, shall be as follows :

	Dollars.
Quarter-master-general,	166 $\frac{6}{9}$
Deputy quarter-master with the southern army,	125
Deputy quarter-master with the main army,	75
Waggon-master,	60
Commissary of forage for the main army,	60
Commissary of forage for the southern army,	60
Deputy waggon-master for the southern army,	50
Assistants in the quarter-master's department, each,	30
Waggon conductors, each,	20
Directors of artificers, each,	40
Sub-directors of ditto, each,	26 $\frac{6}{9}$

That the following be the proportion of waggons and bat horses to the different ranks of officers, unless otherwise directed, in special cases, by the commander in chief or commanding-officer of the southern army :

The commander in chief and commanding-officer of the southern army, for their own accommodation and for their families, as many baggage-waggons and bat horses as they may think necessary.

Major-general and family, one covered four-horse waggon, and one two-horse waggon.

Brigadier-general and family, one covered four-horse waggon,



Colonel, lieutenant-colonel and major, one covered four-horse waggon.

Captains and subalterns of a regiment, for their baggage, one covered four-horse waggon.

Surgeon, pay-master, adjutant and quarter-master, regimental staff, one covered four-horse waggon.

Brigade quarter-master, one bat horse.

For the tents of a regiment, for every 75 men, but this to be varied, according to the weight of the tents, and state of the roads, one open four-horse waggon.

Quarter-master-general, for his baggage, according to his rank ; for his books, papers, &c. as many as he shall find necessary.

Deputy quarter-master with the main army or with a separate army, for his baggage, and for his books, papers, &c. one covered four-horse waggon.

Commissary of forage, with the main army, his clerks and assistants, one covered four-horse waggon.

Deputy commissary of forage, with a separate army, one two-horse waggon.

Waggon-master and clerks, one covered four-horse waggon.

Deputy waggon-master with the southern army, his clerks and assistants, one two-horse waggon or two bat horses.

Inspector-general, for his baggage, according to his rank ; and for his papers as the commander in chief may direct.

Inspectors, one two-horse waggon.

Adjutant-general, two covered four-horse waggons. For the baggage of his assistant, clerks and official papers, one two-horse waggon.

Judge-advocate, one two-horse waggon.

Deputy judge-advocate for the southern army, one two-horse waggon.

Commissary of prisoners, one two-horse waggon.

Deputy commissary of prisoners, southern army, one two-horse waggon.

Provost marshal, with prisoners and guards, one open four-horse waggon.

Field commissary of military-stores, and his deputy with the main and southern army, each, one bat horse.

Deputy pay-master with the main and southern army, each, one two-horse waggon.

Field post-master, one bat horse.

Provided, That if the number of waggons stated above, should prove insufficient, the quarter-master-general may occasionally furnish such additional carriages as the commander in chief, or commanding-officer of a separate army, or the secretary at war may direct.

That a ration of forage per day shall consist of 14 pounds of hay and 10 quarts of oats for each horse :

That there be issued to the commander in chief, and to the commanding-officer of a separate army, and to those of their suite, as many rations as the service may require.

That there shall be allowed for saddle horses :



	Rations.
To a major-general and family,	7
Brigadier-general and family,	5
Colonel of infantry or artillery,	2
Lieutenant-colonel,	2
Major,	2
Chaplain,	1
Surgeon,	1
Adjutant,	1
Quarter-master,	1
Brigade quarter-master,	1
Quarter-master-general, as the service may require,	2
Deputy quarter-master with the army,	1
Captain of engineers,	2
Commissary of forage,	2
Deputy with southern army,	3
Waggon-master and clerks,	2
Deputy waggon-master, separate army,	1
Inspector-general, agreeable to his rank,	4
Inspector in addition to what he draws in the line,	3
Adjutant-general,	2
Deputy with a separate army,	2
Each assistant,	2
Commissary of prisoners,	2
Deputy with a separate army,	2
Judge-advocate,	2
Deputy with a separate army,	1
Provost marshal,	2
Field commissary of military-stores,	2
Deputy with a separate army,	1
Deputy pay-master,	1
Officers of cavalry to be allowed to draw forage for the following number of horses, provided they actually keep the same :	3
Colonel,	2
Lieutenant-colonel,	2
Major,	2
Captain,	1
Lieutenant,	1
Cornet,	1
Pay-master,	} Exclusive of allowance as officers in the line, each, }
Quarter-master,	
Adjutant,	
Surgeon,	1

That any of the officers entitled to forage, who shall keep their horses at their own expense, shall be paid therefor by the quarter-master-general, at the average price given by him for the forage of the army.

*Resolved,* That the quarter-master-general, with the approbation of the secretary at war, shall appoint so many assistants to reside in the several states as the public service may require.

That all officers in the quarter-master-general's department, of



whatever denomination, shall take the oaths of allegiance and the oath of office prescribed by Congress, before they enter on business.

That the quarter-master-general make a return of the names and station of each person to be appointed in his department.

That in settling the accounts of officers in the said department, no pay or allowance whatever be granted to any person employed therein, whose name and employment, together with a certificate of his having taken the aforesaid oaths, shall not have been returned within two months after his acceptance of such office.

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*THURSDAY, October 24, 1782.*

The committee, consisting of Mr. Duane, Mr. Boudinot and Mr. Carroll, to whom was referred a letter of the 22d from E. Hazard, post-master-general, brought in the draught of a supplemental ordinance for regulating the post-office of the United States of America; which was read a first time, and to-morrow assigned for a second reading.

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*FRIDAY, October 25, 1782.*

The supplemental ordinance for regulating the post-office of the United States of America, was read a second time, being debated by paragraphs, and some amendments made:

*Ordered,* That Monday next be assigned for the third reading.

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*MONDAY, October 28, 1782.*

The supplemental ordinance for regulating the post-office, was read a third time, and passed as follows:

*A supplemental ordinance for regulating the Post-Office of the United States of America.*

Whereas, since the passing the ordinance for regulating the post-office of the United States of America, it hath been represented that the allowance thereby made of commissions to a deputy post-master, on the money only arising from the postage of letters, would in many instances be inadequate to the service; and that the provision that all the dead letters should be registered and preserved, will occasion great and useless trouble and expense; and no provision is made therein for the deputy post-master with the main army; in order therefore to remedy the defects of the before-mentioned ordinance:

Be it ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, that it shall and may be lawful for the post-master-general for the time being, to allow to his respective deputies such commissions as he shall think their respective services may merit, not exceeding 20 per centum on the postage of all letters, making the same allowance for free letters as if they paid postage: and that instead of registering and preserving all dead letters, from time to time, remaining in the general post-office, it shall be sufficient and the post-master-general is only required to preserve such of them, the contents and enclosures of which may be valuable.

And be it further ordained by the authority aforesaid, that the act of the United States in Congress assembled, respecting the post-master at head-quarters of the army, passed on the 11th day of March, 1782, be, and the same is hereby revived and declared to be in full force.

And be it further ordained by the authority aforesaid, that it shall



and may be lawful for the post-master-general for the time being, to allow and pay to any informer, one moiety of the penalties which may be recovered upon his information, for offences against the 4th and 5th clauses of the before mentioned ordinance for regulating the post-office of the United States of America. Done, &c.

Congress resumed the consideration of the report of the committee, on the letter of the 19th of August from the commander in chief, &c. and after debate,

*Ordered*, That the letter of the 19th of August from the commander in chief and the papers accompanying it, the report of the late committee, and the motions on the subject, be referred to a new committee of five :

The members, Mr. Rutledge, Mr. Osgood, Mr. Montgomery, Mr. Boudinot and Mr. Duane.

—•—

*TUESDAY, October 29, 1782.*

On the report of a committee, consisting of Mr. Osgood, Mr. Izard, Mr. Bland and Mr. Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States :

*Resolved*, That the quarter-master-general be allowed 15 rations per day :

That the deputy quarter-master with the southern army, be allowed 12 rations per day :

That all assistants in the quarter-master's department be allowed each of them two rations per day :

That the waggon-master, commissary of forage for the main army, and commissary of forage for the southern army, be each allowed five rations per day :

That the deputy waggon-master with the southern army, be allowed four rations per day :

That the waggon conductors be each of them allowed a ration and an half per day :

That the directors of the artificers be allowed each of them three rations per day, and the sub-directors each of them two rations per day :

And that the foregoing rations shall be inclusive of what the several officers aforesaid may be entitled to draw in the line of the army.

On a motion made by the delegates of Maryland,

*Resolved*, That Congress do, in behalf of the United States, accept all the right, title, interest, jurisdiction and claim of the state of N. York, as ceded by and contained in the instrument of writing executed for that purpose by the agents of New-York, dated the first of March, 1781.

On the question to agree to this, the yeas and nays being required by Mr. Carroll,

<i>Massachusetts,</i>	Mr. Osgood,	no	} *
<i>Rhode-Island,</i>	Mr. Arnold,	ay	
	Mr. Howell,	ay	
<i>Connecticut,</i>	Mr. Huntington,	ay	} ay
	Mr. Dyer,	ay	
<i>New-York,</i>	Mr. Duane,	ay	} ay
	Mr. L'Hommedieu,	ay	



<i>New-Jersey,</i>	Mr. Boudinot,	ay	}	ay
	Mr. Witherspoon,	ay		
<i>Pennsylvania,</i>	Mr. Smith,	ay	}	ay
	Mr. Clymer,	ay		
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay	}	ay
	Mr. Dickinson,	ay		
	Mr. Wharton,	ay		
<i>Maryland,</i>	Mr. Hanson,	ay	}	ay
	Mr. Carroll,	ay		
	Mr. Hemsley,	ay		
<i>Virginia,</i>	Mr. Madison,	no	}	no
	Mr. Bland,	no		
<i>North-Carolina,</i>	Mr. Williamson,	ay	}	divided.
	Mr. Blount,	no		
<i>South-Carolina,</i>	Mr. Rutledge,	no	}	divided.
	Mr. Ramsay,	ay		
	Mr. Izard,	ay		
	Mr. Gervais,	no		

So it was resolved in the affirmative.

WEDNESDAY, October 30, 1782.

A motion was made by Mr. Williamson, seconded by Mr. Bland,

“ That it be resolved, that nothing in the resolve passed yesterday, be understood to operate towards preventing the determination of any dispute that has arisen or may arise concerning territory, between the state of New-York and any other state or states in the union, by the 9th article of the confederation, in the same manner as if the cession had not been made.”

A motion was made by Mr. M<sup>c</sup>Kean, seconded by Mr. Howell, that the motion be postponed.

And on the question for postponing, the yeas and nays being required by Mr. Bland,

<i>Massachusetts,</i>	Mr. Osgood,	ay	}	*
<i>Rhode-Island,</i>	Mr. Arnold,	ay		
	Mr. Howell,	ay	}	ay
<i>Connecticut,</i>	Mr. Huntington,	ay		
	Mr. Dyer,	ay	}	ay
<i>New-York,</i>	Mr. Duane,	ay		
	Mr. L'Hommedieu,	ay	}	ay
<i>New-Jersey,</i>	Mr. Boudinot,	ay		
	Mr. Witherspoon,	no	}	divided.
<i>Pennsylvania,</i>	Mr. Smith,	ay		
	Mr. Clymer,	ay	}	ay
<i>Delaware,</i>	Mr. M <sup>c</sup> Kean,	ay		
	Mr. Dickinson,	no	}	divided.
<i>Maryland,</i>	Mr. Hanson,	ay		
	Mr. Carroll,	ay	}	ay
	Mr. Hemsley,	ay		
<i>Virginia,</i>	Mr. Madison,	ay	}	divided.
	Mr. Bland,	no		
<i>North-Carolina,</i>	Mr. Williamson,	no	}	no
	Mr. Blount,	no		



<i>South-Carolina,</i>	Mr. Rutledge,	no	} no
	Mr. Ramsay,	no	
	Mr. Izard,	no	
	Mr. Gervais,	no	
<i>Georgia,</i>	Mr. N. W. Jones,	no	> *

So the question was lost.

On the question to agree to the main question, the yeas and nays being required by Mr. Williamson,

<i>Massachusetts,</i>	Mr. Osgood,	no	} no
<i>Rhode-Island,</i>	Mr. Arnold,	no	
	Mr. Howell,	no	
<i>Connecticut,</i>	Mr. Huntington,	ay	} ay
	Mr. Dyer,	ay	
<i>New-York,</i>	Mr. Duane,	ay	} ay
	Mr. L'Hommedieu,	ay	
<i>New-Jersey,</i>	Mr. Boudinot,	ay	} ay
	Mr. Witherspoon,	ay	
<i>Pennsylvania,</i>	Mr. Smith,	no	} divided.
	Mr. Clymer,	ay	
<i>Delaware,</i>	Mr. M'Kean,	ay	} ay
	Mr. Dickinson,	ay	
<i>Maryland,</i>	Mr. Hanson,	no	} ay
	Mr. Carroll,	ay	
	Mr. Hemsley,	ay	
<i>Virginia,</i>	Mr. Madison,	no	} divided.
	Mr. Bland,	ay	
<i>North-Carolina,</i>	Mr. Williamson,	ay	} ay
	Mr. Blount,	ay	
<i>South-Carolina,</i>	Mr. Rutledge,	no	} divided.
	Mr. Ramsay,	ay	
	Mr. Izard,	ay	
	Mr. Gervais,	no	
<i>Georgia,</i>	Mr. N. W. Jones,	no	> *

So the question was lost.

The secretary at war, to whom was referred a letter of the 25th, from lieutenant-colonel Cambray, having made report :

On motion of Mr. Gervais, seconded by Mr. Duane,

*Resolved,* That the secretary at war inform lieutenant-colonel Cambray, that Congress entertain a high opinion of his merit and military talents, and of his zeal and activity in the service of the United States ; and that he has leave of absence for a term not exceeding twelve months, to visit his family in France.

On the report of a committee, consisting of Mr. Bland, Mr. M'Kean and Mr. Dickinson, to whom was referred a note from the hon. the minister of France, dated the 28th, respecting supplies of provisions sent to the enemy from New-Jersey :

*Resolved,* That a copy of the information be transmitted without delay to the executive of New-Jersey, with request that it may be laid before the legislature of the said state ; and that a copy be sent to the commander in chief, with directions to take speedy and effectual measures to suppress the said pernicious clandestine commerce.



*FRIDAY, November 1, 1782.*

The committee, consisting of Mr. Bland, Mr. Jackson and Mr. Howell, appointed to make enquiry into the causes of the detention of goods purchased in Holland, having brought in a report:

On motion of the delegates of South-Carolina,

*Resolved*, That so much of the report as respects commodore Gillon be dismissed: that the several papers mentioned therein be referred to the superintendant of finance, and if it shall appear to him that the United States have good cause of action against commodore Gillon, in behalf of the state of South-Carolina for damages on the subject-matter of the report, that the superintendant of finance take measures for having such dispute between the United States and the said state, settled according to equity and good conscience, by arbitrators to be appointed by the governor of said state and the superintendant of finance, the delegates of the said state engaging that it will submit to such a mode of determination.

On a report from the secretary at war.

Whereas several pay-masters of the Virginia line are now prisoners of war, and from their dispersed situations are incapable of attending to settle the accounts of their respective regiments; and lieutenant Charles Stackly having been appointed by a meeting of the Virginia officers to receive their warrants for the monies advanced on account of pay and subsistence:

*Resolved*, That the secretary at war is empowered to issue his warrants, on account of the officers of the Virginia line, for pay and rations, in favour of the said lieutenant Charles Stackly, as pay-master to the line, until the commanding-officer thereof shall report that it is organized into regiments, and that the several pay-masters are acting.

*SATURDAY, November 2, 1782.*

The committee, consisting of Mr. Duane, Mr. Ramsay and Mr. Wharton, to whom was referred a letter of the 1st, from the secretary at war, report,

“That they have had a conference with the two deputies of the Catawba nation of Indians: that their mission respects certain tracts of lands reserved for their use in the state of South-Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent; whereupon,

*Resolved*, That it be recommended to the legislature of the state of South-Carolina, to take such measures for the satisfaction and security of the said tribe as the said legislature shall in their wisdom think fit.

*Ordered*, That in consideration of the fidelity of the said tribe in the cause of the United States, the secretary at war make the said two deputies presents, not exceeding the value of 200 dollars.

On motion of Mr. Duane, seconded by Mr. Wither Spoon,

*Resolved*, That the several matters now before Congress be referred over and recommended to the attention of the United States in Congress assembled, to meet at this place on Monday next.



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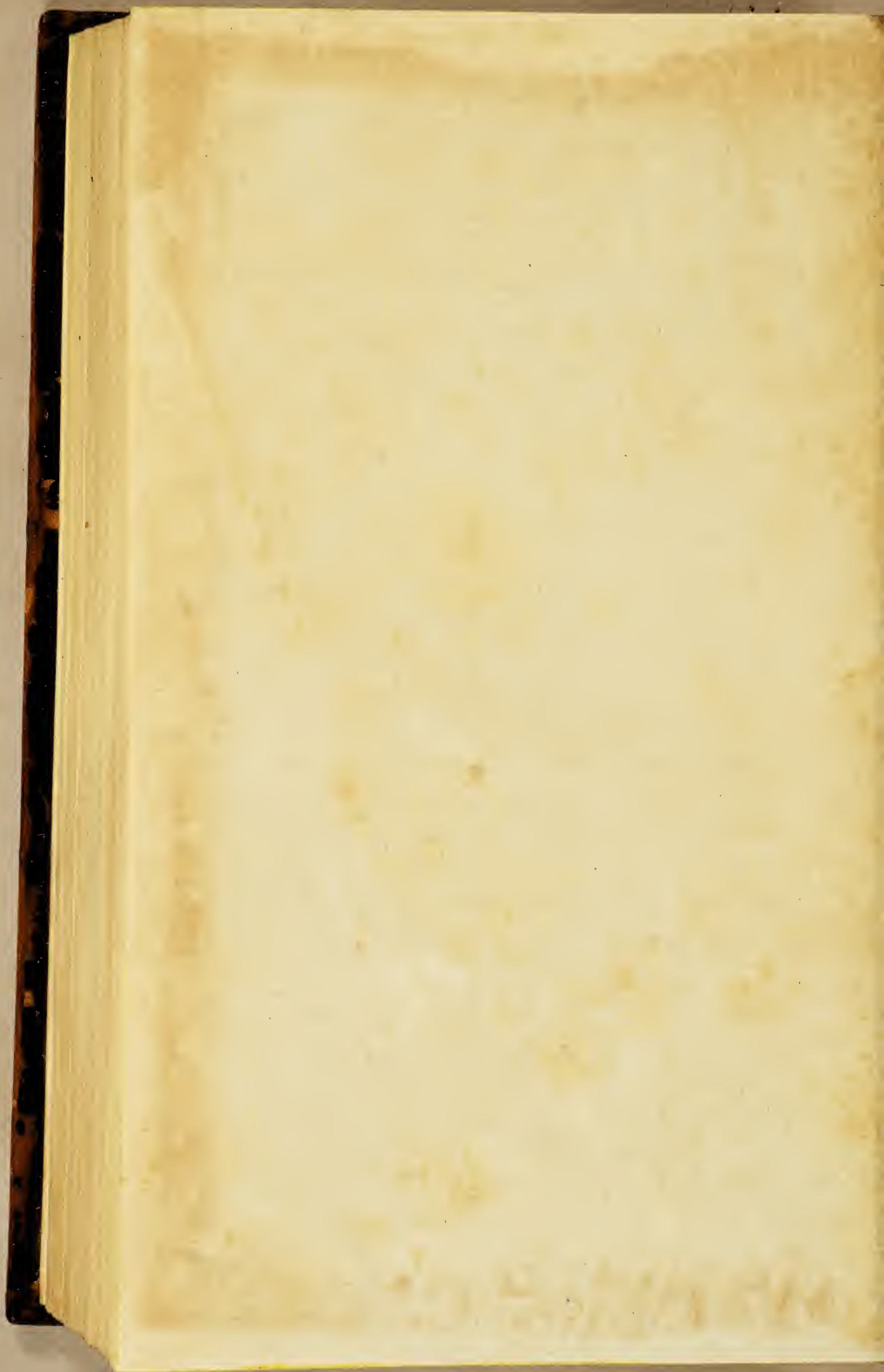
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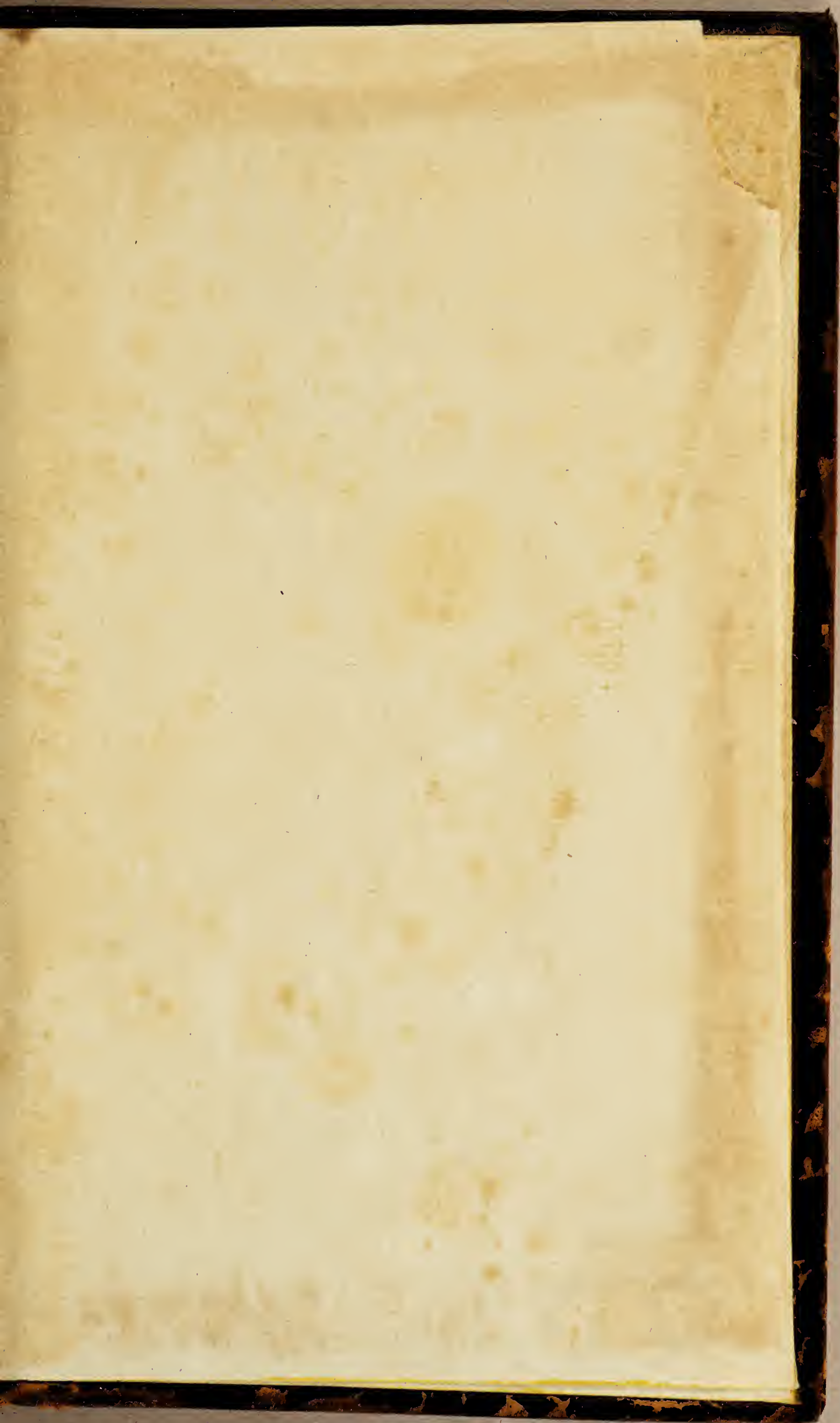


















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